MANUAL OF MORAL THEOLOGY

according to the principles of St. Thomas Aquinas

for the use of schools

by Dominic M. Prümmer, O.P.

VOLUME I

General Moral Theology, the Theological Virtues, and Prudence

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A fresh English translation prepared for Morals of the Church,
where the text may be read and searched online.

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Prologue

In these latest times so many Manuals of Moral Theology, and these most suitable for the use of schools, have seen the light in almost all lands, that someone perhaps might say that a new Manual furnishes nothing else than to carry owls to Athens. Therefore it will not be beside the matter to indicate briefly the reasons for writing.

The first reason is the promise made in my already published Manual of Canon Law. For at that time I promised that I would publish a Manual of Moral Theology as a supplement to the Manual of Canon Law. But to stand by promises, according to one's powers, is a matter of honor.

The second reason is the request of many disciples, repeatedly made known to me. For they earnestly asked that I would commit to print a compendium of the lectures which for several years I had given in the University of Fribourg, Switzerland.

Besides these two external reasons, a third reason, and that an internal one, moved me especially to write. For no one even slightly versed in theological matters will deny that Moral Theology has sometimes declined too much into pure Casuistry. For there are some Moralists who, neglecting serious investigation of principles and virtues, so devote themselves wholly to enumerating, distinguishing, weighing, and measuring sins, that their Moral Theology is now nothing except a list or code of sins. Certain Casuists - to use the words of Blessed Thomas More - strive to show this one thing: how near one may approach to sin without sinning. This manner of acting has indeed brought no small odium upon Moral Theology.

I am not, certainly, one who makes little of Casuistry when circumscribed by its due limits, since it is altogether necessary in every discipline that regards practical life. Hence not only Moral Theology, but also medical science, juridical science, natural science, and so forth, are maimed if all Casuistry is lacking to them. Yet Casuistry ought not to claim for itself the first parts in any true science, and especially not in Moral Theology. For Casuistry is nothing else than the application of principles to particular cases. Therefore right method strongly demands that first of all the principles themselves be unfolded and clearly perceived. When these have been clearly perceived, application in individual cases becomes secure and easy.

Since these things are so, I have tried, as far as I could, to set forth and explain the solid principles of Moral Theology. Therefore I have faithfully followed the method of St. Thomas, the Angelic Doctor, who in the moral part of his Theological Summa treats sparingly of individual sins, but most broadly of the individual virtues. For if anyone has known the nature and exercise of the several virtues, he will also quite easily make judgment concerning the individual opposed sins. Moreover, knowledge of the virtues will benefit the priest not only in the tribunal of penance, but also in catechesis, in preaching, and in his own spiritual life.

Since these things are so, I have studied with all my powers to explain the individual virtues. After these had been explained, I discussed the opposed vices. I supported the proposed doctrine by the authority and reasons of the Angelic Doctor in such a way that I seem to myself truly to have given a Thomistic Moral Theology. Perhaps in no other modern Manual of Moral Theology are found so numerous citations from the diverse works of Aquinas as in this book.

Besides St. Thomas, the Angelic Doctor, in almost all questions I examined the works of St. Alphonsus de Liguori, Doctor of the Church, whose authority in moral matters is exceedingly great. Moreover, I often had recourse to old authors of great name, for example Hugh of St. Victor, St. Raymond of Pennafort, Blessed Albert the Great, St. Bonaventure, St. Antoninus, and others. For these old authors seemed to me most worthy to be cited more frequently in Moral Theology than is commonly done today. On the other hand I also adduced many modern authors, and not only theologians, when questions debated today are treated. There is no reason why I should specially note that I also examined the most recent decisions of the Roman Curia. By this manner of proceeding I tried to draw sound doctrine from clear sources, joining new things and old in friendly fashion.

May God grant that this work of mine may redound to His glory and to the utility of its readers.

I was writing at Fribourg, Switzerland, on the 15th day of October 1914.

The Author

Preface to the Eighth Edition

In this eighth edition I have brought in all things which in recent years have been decreed by the Roman Curia. Both because of lack of time and especially because of technical difficulties, it was not possible to adduce the most recent moral literature more explicitly. This must be reserved for the next edition, in which various broader changes also will be appended.

May God grant that this new edition may please readers as much as those which preceded it, and may be especially of great utility to students.

Dusseldorf, on the feast of St. Alphonsus, 1935.

The Editor

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Brief Catalogue Of Authors Who Have Written On Moral Theology

Preliminary Note

Although this catalogue neither is able nor wishes to bring forward all the authors who have written on moral theology, nevertheless it will be of no moderate utility for the readers of our Manual. For very many authors and their works will be cited in order to support the opinions proposed. Now although some proposed opinion does not yet become certainly probable or safe in practice from this reason alone, that five or six authors defend it, nevertheless from this there is generated a strong presumption that such an opinion rests also upon grave intrinsic reasons. Therefore the authority of doctors in moral theology is by no means to be despised. But the authority of all is not the same; for there are some who indulge excessive laxity, others excessive severity.

The purpose of the present catalogue is threefold: 1. a supplement is furnished to those things which below, in the Introduction, chapter 4, will be said concerning the history of moral theology; for there, because brevity requires it, individual authors and individual works cannot be accurately reviewed; 2. a sober judgment is offered to the reader concerning the value of each cited author; 3. the complete titles of works are brought forward, which in the course of our Manual could be cited only in abbreviated fashion.

A

Abelly, Lud. (1604-1691), bishop of Rodez, wrote several works, especially ascetical. He was familiar with St. Vincent de Paul, whose life he also wrote. He is called by St. Alphonsus "a grave author and a classic probabilist." His moral work, *Medulla theologica*, has been very often edited, also at Regensburg, 1839, 3 volumes in 8vo.

Aegidius de Praesentatione (Fonseca), Portuguese, O.S.A. (1539-1626), wrote very extensive commentaries on the *Summa theologiae* of St. Thomas, I-II, questions 1-5. Then he wrote two volumes on the voluntary and the involuntary.

Aertnys, Ios., C.Ss.R., Dutch (d. 1918), published several little works and works on moral and pastoral theology, for example *De occasionariis et recidivis*, *De usu matrimonii*. His work *Theologia moralis iuxta doctrinam S. Alphonsi de Lig.*, eminent for clarity and brevity, has often been edited after the author's death by C. A. Damen, C.Ss.R., and is highly recommended for the use of schools. Similarly his work *Theologia pastoralis* has already been edited often.

Alberti, Ios., Italian, Auditor of the Sacred Roman Rota, published several treatises on moral and pastoral theology, which join clarity and brevity in friendly fashion, for example *Compendium theologiae moralis*, *Theologia pastoralis*, and so forth.

Blessed Albert the Great (d. 1280), German, O.P., bishop of Regensburg, wrote on almost every knowable thing. What he taught in moral theology in his individual works is shown very well by Herm. Lauer, *Die Moraltheologie Alberts des Grossen*, 8vo, Freiburg im Breisgau, 1911.

Alexander Natalis (1639-1724), French, O.P., a man of sharp intellect, very vast learning, indefatigable labor, and distinguished piety, wrote a very celebrated ecclesiastical history. Another of his principal works is *Theologia dogmatica et moralis secundum ordinem Catechismi Tridentini*, in which he strenuously attacks Probabilism. He wrote several other works, which are indicated by Quetif and Echard, *Scriptores Ord. Praed.* II, 811 sqq.

St. Alphonsus Maria de Liguori (1696-1787), Doctor of the Church, bishop of St. Agatha of the Goths, founder of the renowned Congregation of the Most Holy Redeemer, was a most fecund writer. Among his writings the moral works stand out: *Theologia moralis*, *Homo apostolicus*, *Examen ordinandorum*. The critical edition of the work *Theologia moralis* was prepared in 4 volumes in 4to, Rome 1905-1912, by Leon. Gaude, C.Ss.R. The greatest authority of St. Alphonsus in moral theology is proclaimed not only by all theologians, but also by the Sacred Penitentiary.

Alvarez, Didacus, O.P., Spanish, archbishop of Trani in Apulia (d. 1635), a most illustrious theologian, was summoned to the so-called "Congregation de auxiliis." Besides other works he wrote: *De auxiliis divinae gratiae*, *Disputationes theologicae in primam secundae S. Thomae*. Cf. Quetif and Echard, *Scriptores Ord. Praed.* II, 482.

Amicus, Franc., S.J., Italian (1578-1651), published a work entitled *Cursus theologicus, scholasticus et moralis*, 9 folio volumes, Antwerp, 1650. He proposed some opinions which were afterward condemned by Alexander VII and Innocent XI. Cf. Hurter, *Nomenclator litt.* III, 933.

Amort, Eusebius, Canon Regular of the Lateran, German (1692-1775), already before St. Alphonsus taught the system of Aequiprobabilism. He published several moral works; his work *Theologia eclectica moralis et scholastica*, under the auspices of Benedict XIV, was published at Augsburg in the year 1752, 4 volumes in folio.

Anacletus, see Reiffenstuel.

Angelus de Clavasio, see Carleti.

D'Annibale, Ios., Italian, Cardinal, bishop of Carystus (1815-1892), wrote, besides an excellent Commentary, called the Reatine Commentary, on the bull *Apostolicae Sedis*, a work entitled *Summula theologiae moralis*, which is eminent for subtlety and solidity of doctrine, 5th edition, Rome 1908, 3 volumes.

Antoine, Paul Gabr., S.J., French (1679-1743), wrote the works *Theologia universa speculativa et dogmatica*, Pont-a-Mousson 1723 and often afterward, and *Theologia moralis universa*. This last work, edited very often with additions, was prescribed by Benedict XIV as a manual for the students of the College de Propaganda Fide. According to St. Alphonsus, *Homo apostolicus*, tract 16, 108, Antoine is an author of a very rigid opinion.

Antonelli, Ios., Italian, wrote *Medicina pastoralis*, 3 volumes, Rome 1912, several times edited. It is a useful work in moral questions which touch human physiology.

St. Antoninus, O.P. (1389-1459), archbishop of Florence, wrote among other things: 1. *Summa theologica*, which was published complete twenty times and according to a part six times. The better, though not more accurate, edition of this work is that which Petrus Ballerini prepared in the year 1740, 4 folio volumes, Verona. 2. *Summula confessionis*, called the *Summa Defecerunt*, often edited and translated, 1 volume in 4to, Venice 1538. Among the moralist authors of his time St. Antoninus seems to hold the first place, and it is not established that he favored Probabilism.

Antonius a Spiritu Sancto, Discalced Carmelite, Spanish (d. 1677), bishop of Angola, wrote: 1. *Directorium confessariorum*, 2 folio volumes, Lyons 1668-1671. 2. *Consulta varia theologica, iuridica et regularia*, 2 folio volumes, Lyons 1675. 3. *Directorium spirituale*, in which he treats of the law of religious, 1 folio volume, Lyons 1661. 4. *Directorium mysticum*, which is also entitled *Cursus theologiae mystico-scholasticae*, 2 folio volumes, Seville 1724. A new, rather faulty edition of this work appeared in 2 volumes in 8vo, Paris 1904. Antonius a Spiritu Sancto is sometimes an excessively benign author in moral matters.

Arauxo, Franciscus de, O.P., Spanish, bishop of Segovia, counselor of Philip IV (1580-1664), wrote commentaries on almost all parts of the Theological Summa; nevertheless they are to be read with some caution, since they have been interpolated by another hand. Cf. Quetif and Echard, *Scriptores Ord. Praed.* II, 610 sq.

Arregui, Ant., S.J., Spanish, wrote in a very clear and concise style *Summarium Theol. mor. ad recentem codicem iur. can. accommodatum*, Bilbao 1918, a very widely circulated and commendable work, and already often edited.

Arriaga, Rodericus de, S.J., Spanish (1592-1667), wrote *Disputationes theol. in Summam S. Thomae*, 8 folio volumes, Antwerp 1664 and Lyons 1647-1669. The treatise on law and justice is lacking in his works. For his other works see Hurter, *Nomenclator* IV, 11 sqq., who says of him: "Arriaga excels in his works by subtlety of intellect, at times perhaps excessive, by sagacity, and by profound speculation."

Aversa, Raphael, Theatine, Italian (1589-1657). He was five times superior general of his order, of which he was a great ornament, endowed with clarity of speech and sharpness of intellect; he published *Theologia scholastica universa ad mentem S. Thomae*, distributed into six parts and nine volumes, which appeared separately in various places and under various titles within the years 1631-1642.

Azor, Ioannes, S.J., Spanish (d. 1603), published *Institutiones morales*, 3 folio volumes, Rome 1600, a work very often cited by St. Alphonsus and printed again and again.

Azpilcueta, see Navarrus.

B

Bail, Ludovicus, French (1610-1669), Doctor of the Sorbonne, besides other works published *La theologie affective ou St. Thomas en meditation*, a useful work for meditation, often edited and translated into other languages. Besides this he composed a work entitled *De triplici examine ordinandorum, confessariorum et poenitentium, praemissis monitis de vocatione*, 1 volume in 8vo, Paris 1651.

Ballerini, Anton., S.J., Italian (1805-1881), besides several moral little works, wrote learned notes to the compendium of Gury. These notes indeed show singular sagacity of judgment and most wholesomely promoted the solid study of moral theology, but they are sometimes too sharp and rather subtle than true. Therefore they were attacked by a work entitled *Vindiciae Alphonsianae*, Rome 1873, Brussels 1874, enlarged edition. But Ballerini tries to refute these attacks in the subsequent editions of the Guryan compendium. His posthumous *Opus theologicum morale*, edited and enlarged by Dom. Palmieri, S.J., surpasses all modern moral works in size and is distinguished by vast learning.

Ballerini, Petrus, Italian (1698-1769), almost always had in his works his own brother Hieronymus (1702-1781) as companion, wherefore these authors are commonly cited as "the Ballerini brothers." They are very fecund authors and excellently meritorious concerning patrology, canon law, moral theology, and apologetics. They republished, and that excellently, several works of the ancient Fathers and theologians, for example the

works of St. Leo the Great, St. Zeno bishop of Verona, St. Antoninus, the *Summa* of St. Raymond of Pennafort, and so forth. They fought strenuously against Probabilism in diverse published little works; by St. Alphonsus they are called "moderate followers of the rigid opinion." Cf. concerning their other works Hurter, *Nomenclator* V, 106 sqq.

Bancel, Ludov., O.P., French (1628-1685), endowed with great learning, wrote a work entitled *Theologia moralis D. Thomae ex omnibus ipsius operibus exacte deprompta*, 2 volumes in 4to, Avignon 1677. He proceeds alphabetically, as the ancient Summists did. He also wrote *Cursus universae theologiae scholasticae*, divided into 7 volumes in 12mo, Avignon 1682 to 1692. Bancel favors Probabilism.

Bannez, Dominicus, O.P., Spanish (1528-1604), wrote *commentaria in Sum. theol. S. Thomae*, on Part I down to question 64; on Part IIa down to question 78, 3 folio volumes, Salamanca 1584-1594. He favors Probabilism.

Baptista, Ioan. Ildephonsus, O.P., Spanish (d. 1648), by mandate of the General Chapter celebrated at Rome in 1644, published commentaries on I-II of St. Thomas down to question 48, Lyons 1648. Because he favors Probabilism too much, he was strongly attacked by several theologians. Cf. Quetif and Echard, *Scriptores Ord. Praed.* II, 558.

Baronius, Vincentius, O.P., French (1604-1674), vehemently attacked Tamburini, Caramuel, and other excessively lax authors; but some of his works, among which is also his *Theologiae moralis summa bipartita*, were proscribed by the Holy Office on 15 June 1672 and are still listed in the Index of Prohibited Books.

Bartholomaeus a S. Fausto, O.Cist., Sicilian (1571-1636), of whom there exist: 1. *Theologia moralis*, 3 folio volumes. 2. *Speculum confessariorum et poenitentium*, in 4to, Lyons 1621. 3. *De Eucharistiae sacramento*, Naples 1635. 4. *De horis canonicis*, Naples 1634.

Bartholomaeus de Pisa, or de Sancto Concordio, O.P., Italian (d. 1347), wrote a very well-known summa of cases, which is called *Pisanella*, *Bartholomaea*, *Magistruccia*, and which imitates the *Summa confessorum* of Ioannes Friburgensis, O.P.

Bassaeus, Eligius, O.Cap., Belgian (1585-1670), wrote *Flores totius theologiae practicae*, 2 folio volumes, Venice 1666. He is not rarely cited by St. Alphonsus.

Bauny, Stephanus, S.J., French (1564-1649), an excessively benign author, wrote several moral works in either the French or the Latin language, some of which were placed on the Index and which are attacked more than is just by Pascal.

Becanus, Martinus, S.J., Belgian (1561-1624), whose works excel in clarity and brevity. The author published about 50 little works, chiefly for defending the Catholic faith and the Church. For moral theology, the *Tractatus de iure et iustitia* and the *Tractatus de sacramentis* are useful.

Beccaria, Antonius, O.P., bishop of Scutari in Dalmatia (d. 1543), besides several other works wrote *Commentaria in secundam partem Summae theologicae*; likewise *Declarationes quorundam casuum conscientiae*. Cf. Quetif and Echard, *Scriptores Ord. Praed.* II, 120.

St. Bellarmine, Robertus, S.J., Italian, archbishop of Capua and Cardinal (1542-1621). His works are chiefly polemical and most excellently attack the errors of the Protestants. Moreover he published distinguished little works on asceticism. For moral theology his *Tractatus de sacramentis in genere et in specie* are useful.

Benedict XIV, formerly Prosper Cardinal de Lambertini (1675-1758), published several works outstanding for solidity of doctrine, especially in canon law. In his truly golden work *De synodo dioecesana* he also touches

several questions pertaining to moral theology, and likewise in the work *De sacrificio Missae*.

Benger, Michael, C.Ss.R., German (1823-1870), wrote a work entitled *Pastoraltheologie*, Regensburg 1858-1863, 3 volumes, a useful, practical, copious work, though the manner of discussion is perhaps less pleasant and polished. Cf. Hurter, *Nomenclator* V, 1804.

Berardi, Aemilius, Italian, published several works on moral theology, among which his *Praxis confessariorum seu moralis theologia theoretico-practica*, 4 or 5 volumes, often edited at Faenza, stands out. Besides this he published little works *De sollicitatione et absolutione complicis*, *De recidivis et occasionariis*, *Theologia pastoralis*, and so forth. The author sometimes seems to proceed in a manner too casuistic and perhaps also too benign.

Beringer, Franc., S.J., German (d. 1909), wrote a most useful work, approved by the Sacred Congregation of Indulgences and afterward by the Holy Office, entitled *Die Ablasse, ihr Wesen und Gebrauch*; the 15th edition, Paderborn 1921, was prepared by Pet. Steinen, S.J.

Besombes, Iac., French, of the Congregation of Christian Doctrine, wrote *Moralis christiana ex Scriptura Sacra, Traditione, Conciliis, Patribus et insignioribus theologis excerpta.* The better edition appeared at Venice, 1764, 2 volumes in 4to. Besombes is a rigid author, and his work seems to have exercised some influence upon St. Alphonsus, who nevertheless never seems to cite it.

Billot, Ludovicus, S.J., wrote subtle dissertations on almost all theology. For moral theology, his three treatises are most worthy of mention, namely *De sacramentis*, *De natura et ratione peccati personalis sive Introductio ad tractatum de poenitentia*, and *De virtutibus infusis*.

Billuart, Carolus Renatus, O.P., Belgian (1685-1757), perhaps the chief man of his age in universal theology. In moral theology, according to Gury, he is a moderate Probabiliorist, to be counted among the most approved theologians for clarity, doctrine, solidity, and learning; he wrote *Summa S. Thomae hodiernis academiarum moribus accommodata*. This work has often been edited down to our own days.

Bishop, Ioel, wrote *New Commentaries on Marriage, Divorce, and Separation*, Chicago 1891, and *Commentaries on the Law of Contracts*, 2nd edition by Marion C. Early, Chicago 1907, works useful for North American law.

Blanchis, Paulus, O.P., Italian (d. 1622), collected cases of conscience in a work entitled *Disceptationes de difficilioribus materiis casuum et dubiorum occurrentium in conscientia: de poenitentia, de negotiatione, de bello publico et privato*, 1 folio volume, Venice 1622 and again there 1630.

Bonacina, Martinus, Italian, bishop of Utica (d. 1631), wrote several works on moral theology which appeared very often. His treatise *De horis canonicis* is worthy of special mention.

St. Bonaventure, O.Min., Italian, Seraphic Doctor, Cardinal and bishop of Albano (1221-1274), wrote excellently on moral matters in his Commentaries on the Sentences and in many little works.

Bordonus, Franc., Italian, prefect general of the Tertiaries of the Order of St. Francis (d. 1671), wrote several works on moral theology and on the law of religious; his *Opera omnia iuridico-regularia et moralia* appeared in 7 folio volumes, Lyons 1665. He was a most keen defender of Probabilism.

Bosco, Ioannes, O.Min., Belgian (1613-1684), holds an eminent place among Scotists; he wrote *Theologia sacramentalis ... ad mentem Doctoris subtilis Ioannis Duns Scoti*, 5 folio volumes, Louvain 1665-1678. A sixth posthumous volume was published at Antwerp, 1685.

Bossius, Ioann. Angelus, Barnabite, superior general, Italian (1590-1665), treated most fully *De matrimonii contractu*, 5 or 6 folio volumes. He also wrote a work entitled *Moralia varia*, whose third part, namely on scrupulous conscience, separately edited, was placed on the Index on 4 December 1674, "until it is corrected."

Bouquillon, Thom. Ios., Belgian (1840-1902), professor of moral theology at Bruges, Lille, and finally in the University of Washington, wrote excellently *De theologia morali fundamentali*, 2nd edition, Bruges 1890. Likewise he wrote *De virtutibus theologicis*, 2nd edition, 1900, and *De virtute religionis*, 1880.

Brancatius, Laurentius de Lauria, Lauria being a town of Lucania, O.Min.Conv., Italian, Cardinal (1612-1693), wrote *Commentaria in III et IV libr. Sententiarum Ioannis Duns Scoti*, 8 folio volumes, Rome 1653 to 1682. He was a man distinguished both for knowledge and for piety. Cf. Hurter, *Nomenclator* IV, 351.

Brocardus a S. Nicolao, Carmelite, German, of the seventeenth century, besides other things wrote several very commendable works on moral theology, for example *Theologia mor. fundamentalis*, *De conscientia*, *Alphabetum morale*, and so forth. Certain of his treatises were reprinted by Migne, *Curs. theol.* XI, 655 sqq.

Bucceroni, Ianuar., S.J., Italian (1841-1918), professor in the Roman Gregorian University, published several works on moral theology, for example *Institutiones theologiae moralis*, 6th edition, 4 volumes, 1913 sqq.; commentaries on reserved cases, on censures, on the constitution *Apostolicae Sedis*, on the constitution *Sacramentum poenitentiae*, on absolution to be given, deferred, or denied. As to intellect and manner of writing he is sufficiently similar to Antonius Ballerini, S.J.

Busembaum, Herman., S.J., German (1600-1668), wrote the very celebrated work whose title is *Medulla theologiae moralis*, and which obtained both innumerable editions and illustrious commentators, among whom are Lacroix, St. Alphonsus, and Ant. Ballerini.

C

Cabassutius, Ioan., of the Congregation of the Oratory, French (1604-1685), a man of the greatest learning and piety. He was highly regarded by St. Alphonsus in moral theology; he wrote the work entitled *Theoria et praxis iuris canonici ad forum tam sacramentale quam contentiosum*, often edited.

Cabrera, Petrus de, Order of St. Jerome, Spanish (fl. 1602), wrote commentaries and disputations on diverse parts of the Theological Summa of St. Thomas, especially on the sacraments in general.

Cagnazzo, Ioan., O.P., see Tabiena.

Caietanus, see de Vio.

Camargo, Ign., S.J., Spanish (1650-1722), most sharply attacked Probabilism in the work entitled *Regula honestatis moralis*, Naples 1702, 1 folio volume.

Candidus, Vinc., O.P., Italian, Master of the Sacred Palace (1573-1654), wrote *Illustriores disquisitiones morales*, 4 folio volumes, 1637-1643. According to Quetif and Echard, *Scriptores Ord. Praed.* II, 580, Candidus sometimes supports the laxer opinions.

Canus, Melchior, O.P., Spanish, bishop of the Canary Islands (1509-1560), besides the very well-known work *De locis theologicis*, published *Relectiones de sacramentis in genere et de poenitentia*. His commentaries on the *Summa theologiae* of St. Thomas were not printed, but are contained partially in Vatican Library codex 4648. Canus is a very acute author, but he sometimes defends opinions altogether singular or even false.

Cappello, Felix, S.J., Italian, wrote, among other things, *Tractatus canonico-morales de sacramentis*, 3 volumes, and *de censuris*. He is an author of great learning and perspicacity.

Capreolus, Ioan., O.P., French (d. 1444), who by reason of honor is called "prince of the Thomists," wrote distinguished commentaries on the books of the Sentences, which in these last years have been neatly edited again.

Caramuel (de Lobkowitz), Ioan., O.Cist. (1606-1682), born at Madrid of a German father and a Bohemian mother, bishop of Campagna and then of Vigevano, a man of truly wonderful intellect, wrote 77 folio volumes. In moral matters he was, not without merit, called by St. Alphonsus "the prince of the laxists." His principal work pertaining to moral theology is *Theologia moralis fundamentalis*. The different editions differ greatly among themselves. We have used the Roman edition of the year 1656. It is a work written with a flying pen, and in some parts is a rough and undigested mass, lacking every logical order.

Cardenas, Ioan. de, S.J., Spanish (1613-1684), his principal work is *Crisis theologica sive disputationes selectae ex morali theologia*, in folio, Lyons 1670, and several times edited afterward. This work is called *Crisis theologica* because it contains a judgment concerning several opinions and questions proposed by Caramuel.

Carleti, Angelus (de Clavasio), O.Min., Italian (d. 1493), wrote the celebrated *Summa* of cases of conscience, arranged in alphabetical order and often edited, which is commonly called *Summa angelica*. It was called by Luther a summa more than diabolical and was publicly burned. It rests upon the *Summa pisana*.

St. Charles Borromeo, Cardinal and archbishop of Milan (1538-1584). Among his works the *Instructiones pro confessariis* and *Instructiones pastorum* are very useful.

Carratinus, Thomas, O.P., Italian (fl. 1743), wrote against Concina a book entitled *Vita claustralis ... praesertim de voto paupertatis*, Verona 1743.

Carriere, Ios., French, of the Congregation of St. Sulpice (1795-1864), wrote lectures *de matrimonio*, 2 volumes, *de iustitia et iure*, 3 volumes, *de contractibus*, 3 volumes, which are sufficiently learned and which he afterward reduced into a compendium for the use of schools.

Castro, Alphons., O.Min., Spanish (d. 1558), wrote several works, among which, for moral theology, the *Tractatus de potestate legis poenalis* is of some importance. All his works together were published at Paris, 1771-1778.

Castropalaus, Ferd., S.J., Spanish (1581-1633), clearly and learnedly treats universal moral theology in the work entitled *Opus morale*, 7 folio volumes, Lyons 1631 and often afterward.

Catechismus Romanus, published by command of the Council of Trent and perfected by Leonardus de Marinis, O.P., Aegidius Fuscararius, O.P., Franciscus Forerius, O.P., and Mutius Calini, is of the greatest authority for all theology. It is divided into four parts, but the subdivision of these parts is not the same in all editions. We have used the edition prepared by Adolphus Buse, 1867.

Catharinus, Ambrosius, O.P., Italian (1487-1553), was a man of singular intellect, but also, not only once, of singular and false opinions; he wrote several works, of which those which treat of the sacraments and notably *De intentione ministri sacramentorum* pertain to moral theology.

Cathrein, Victor, S.J., Swiss, wrote learnedly and neatly several works, among which the often edited books *Moralphilosophie*, 2 volumes, and *Philosophia moralis* are worthy of special mention.

Chokier, Erasmus, Belgian (1569-1625), advocate, distinguished for probity of morals and learning, wrote among other things *De iurisdictione Ordinarii in exemptos*, Cologne 1620, in 4to.

de Clavasio, see Carleti.

Clericatus, Ioan., of the Congregation of the Oratory, Italian (1633-1717), wrote *Decisiones sacramentales...*, Venice 1727, 9 volumes in 4to.

Collectanea de Propaganda Fide, Rome 1907, 2 volumes in 4to. This collection of decrees issued by diverse Roman Congregations is not indeed authentic, but nevertheless is most useful for practical use.

Collet, Petrus, of the Congregation of the Mission, French (1693-1770), wrote several things, among which are *Institutiones theologicae*, 2 volumes in 4to, and *Continuatio praelectionum theolog. H. Tournely*. By St. Alphonsus he is often called "the continuator of Tournely." He is a rigid author.

Comitolus, Paulus, S.J., Italian (1544-1626), among other things wrote *Responsa moralia in septem libros digesta*. He attacked Probabilism, whence he is called by Ballerini "a man of anomalous intellect and of zeal inclined toward stricter things." Cf. Hurter, *Nomenclator* III, 888.

Concina, Daniel, O.P., Italian (1687-1756), a most keen attacker of Probabilism and author of many books pertaining to theology, among which stands out *Theologia christiana dogmatico-moralis*, 12 volumes in 4to, Venice 1740-1751. A good enlarged edition of this work appeared at Rome in 1773. There several things were added, namely *Apparatus ad Theologiam christianam*, on theological places, on conscience, on the history of Probabilism, the life of the author, and a list of all his works. St. Alphonsus, *Theol. mor.* book 3, no. 547, says of Concina: "the learned Rev. Fr. Concina himself, although a famous supporter of rigid opinions, in his most learned work of dogmatic-moral Theology instructs me that things are not to be imposed upon men under grave fault unless evident reason persuades it." Concina in controversies with his adversaries sometimes exceeds the limits of mildness and equity, but he was highly regarded by Benedict XIV and does not deserve the contempt shown to him by several modern authors. His works truly can be consulted with great fruit.

Confettius, Ioan. Bapt., Italian (fl. 1596), compiled *Collectio privilegiorum Ordinum FF. Mendicantium et non Mendicantium*, Florence 1598.

Coninck, Aegid., S.J., Belgian (1571-1633). His works pertaining to moral theology are: 1. *Commentarii ... in universam doctrinam D. Thomae de sacramentis et censuris*, 1 folio volume, 2 tomes, Antwerp 1616, and several times afterward. 2. *De moralitate, natura et effectibus actuum supernaturalium in genere, et fide, spe ac caritate speciatim*, 1 folio volume, Antwerp 1623. 3. *Responsio ad dissertationem impugnantem absolutionem moribundi sensibus destituti*, Antwerp 1625.

Contenson, Vinc., O.P., French (1641-1674), wrote the work entitled *Theologia mentis et cordis*, often edited. The last edition appeared in 4 volumes in 4to, Paris 1875. Contenson indeed has a most acute intellect, but sometimes in moral theology he inclines too much into rigid opinions.

Corduba, Antonius de, O.Min., Spanish (d. 1578), wrote several works on moral theology, for example *Quaestionarium theologicum*, 1 folio volume, Venice 1604, and *Tratado de casos de conciencia*, 1578.

Corradus, Ioan. Bapt., O.P., Italian (d. 1606), especially cultivated Casuistry, writing *Responsio ad cuiuscumque paene generis casus conscientiae* and *Quaesita 400 pro examinandis qui ad animarum curam vel confessiones audiendas promovendi sunt*. Both works were edited several times, for example Perugia 1596, Venice 1607.

Corradus, Pyrrhus, Italian (d. ca. 1656), wrote *De praxi dispensationum apostolicarum* and *De praxi beneficiaria*, works often edited and worthy of mention.

Costantini, Victor, Italian, wrote clearly and briefly *Institutiones Theologiae moralis*, 3 volumes in 8vo, often edited.

Covarruvias, Did., Spanish, bishop of Segovia (1512-1577), a very celebrated jurist often cited by St. Alphonsus. All his works were edited again and again and can be consulted with utility, especially in the treatise on justice.

Cuniliati, Fulgentius, O.P., Italian (1685-1759), wrote several works on asceticism and hagiography. His *Universae theologiae moralis accurata complexio*, which already down to the year 1786, that is, twenty years after the first edition, had been edited twelve times, consists of 2 volumes in 4to; he proceeded in almost the same manner as Gury did afterward.

Curiel, Ioan. Alph., Spanish (d. 1609), a great ornament of the University of Salamanca, wrote *Lecturas seu Quaestiones in D. Thomae Aquin. primam secundae*, in folio, Douai 1618.

D

Damen, see Aertnys.

De Becker, Belgian, professor in the University of Louvain, wrote the distinguished treatise *De sponsalibus et matrimonio*, 2nd edition, Louvain 1903.

De Cocq, Florentius, O.Praem., Belgian (d. 1683), briefly collected *Principia theologiae moralis et speculativae*, Cologne 1682, 3 volumes in 8vo. Likewise he wrote *De iure, iustitia et annexis tractatus quattuor ... maxime iuri Belgico accommodatos*, in 4to, Brussels 1687.

Decreta authentica S. Rituum Congregationis. This collection contains all the decrees of the Sacred Congregation of Rites issued down to the year 1926, distinguished by successive numbers.

Decreta authentica S. Congregationis Indulgentiarum. Rome 1883.

De la Cruz, Ioan., O.P., Spanish (d. 1624), wrote *De statu religionis et de privilegiis Regularium*, Madrid 1613 and edited several times afterward; it is a small volume in 8vo. Likewise he published *Directorium conscientiae* divided into two parts, namely 1. on the precepts of the Decalogue; 2. on the sacraments, Madrid 1624 and several times afterward. Cf. Quetif and Echard, *Scriptores Ord. Praed.* II, 433.

Delama, Dion. (d. 1896), Austrian, published *Institutiones theologiae mor.*, Trent 1895, and *Tractatus de iustitia et iure praecipue Austriaco*, 3rd edition, Trent 1889.

Delbene, Thom., Cleric Regular Theatine, Italian (d. 1673), wrote, among other things, *Tractatus morales*, on conscience, on the roots of restitution, on oath, and so forth.

De Smet, Alois., Belgian, professor at Bruges, wrote excellently *De sponsalibus et matrimonio*, 4th edition, Bruges 1907; *De casibus reservatis*, Bruges 1914; and on the Sacraments.

Diana, Antonin., Cleric Regular Theatine, Sicilian (1585-1663), according to St. Alphonsus, *Theol. mor.* book 6, no. 257, "in choosing opinions for the most part inclines to the benign side and not rarely inclines more than is fitting"; he published *Resolutiones morales*, 12 folio volumes. This work, composed without clear order, was arranged in better order by Martinus de Alcolea, O.Cart., 10 folio volumes, Venice 1698. We have used only this edition.

Dicastillus, Ioan., S.J., Spanish (1585-1653), wrote several things on moral theology, for example *De iustitia et iure ceterisque virtutibus cardinalibus*, in folio, Antwerp 1641; *De sacramentis*, 3 folio volumes, there, 1646 sqq.; *De iuramento, periurio et adiuratione, necnon de censuris et poenis ecclesiasticis*, there, 1662.

Dionysius Carthusianus de Rickel, Belgian (1402-1471), was hailed as the "Ecstatic Doctor." He left almost innumerable works and little works, which in our times are being edited again at Montreuil, 48 volumes in 4to. His commentaries on the books of the Sentences, against the vices of superstition, against avarice, ambition, and so forth, partly pertain to moral theology.

Donatus, Hyacinthus, O.P., Italian (d. 1661), a man most experienced in cases of conscience and a distinguished preacher, wrote a very good work both for Moral Theology and for canon law, entitled *Rerum regularium praxis resolutoria*, 4 folio volumes, Naples 1652 and Cologne 1675.

Drouven (Drouin), Renatus Hyacinthus, O.P., French (d. 1742), wrote a very learned work, but one containing some less correct opinions, *De re sacramentaria libri 10*, 2 folio volumes, Venice 1737. It appeared again at Venice in 1756, enlarged with the notes of Patuzzi, and at Paris enlarged with the notes of L. Richard. Several of the moderns copied Drouven, yet without mentioning him.

Du Hamel, Ioan. Bapt., French (1623-1706), among other things wrote in a neat and elegant style a work entitled *Theologia speculatrix et practica*. He follows almost the order of the Summa of St. Thomas.

Durandus de S. Porciano, O.P., French, Master of the Sacred Palace, bishop of Meaux (d. 1334), called the "Most Resolute Doctor," wrote, besides other things, Commentaries on the books of the Sentences. He is indeed of acute intellect, but also a supporter of singular and more or less false opinions.

Duval, Andreas, French (1564-1638), wrote, besides other things, Commentaries on the Prima Secundae, 2 folio volumes, Paris 1636.

E

Ehrentreich, Adam, S.J., German (d. 1708), wrote several little works for attacking pure Probabilism, for example *Principia et conclusiones ... de usu probabilis opinionis*, 6th edition, Rome 1699.

Elbel, Beniamin, O.Min., German (1690-1756), is deservedly numbered among the foremost writers on moral theology, although he seems sometimes to decline too much toward Casuistry. He wrote, by way of conferences, *Theologia decalogalis et sacramentalis*, which Iren. Bierbaum, O.Min., edited again neatly, 1891 sqq., 3rd edition 1903.

Elizalde, Michael, S.J., Spanish (1616-1678), wrote under the anagrammatic name Anton. Cellades the work entitled *De recta doctrina morum*, which after his death appeared enlarged at Fribourg, 1684. Elizalde strenuously attacked Probabilism. Cf. Dollinger-Reusch, *Geschichte der Moralstreitigkeiten*, 51 ff.

Engel, Ludov., O.S.B., Austrian (d. 1674), wrote especially on canon law. His very often edited work *Manuale parochorum* pertains to moral theology.

Escobar y Mendoza, Ant., S.J., Spanish (1589-1669), wrote: 1. *Universae theologiae moralis ... disquisitiones*, 7 folio volumes, Lyons 1652-1663. 2. *Liber theologiae moralis 24 S. J. doctoribus reseratus*, very often edited. It is known to everyone how vehemently and unjustly Pascal attacked this author in the *Lettres provinciales*.

Esparza, Mart., S.J., Spanish (1606-1689). His principal work is *Cursus theologicus*, according to the order of the Summa of St. Thomas, 2 folio volumes, Lyons 1666. In the following editions there were added treatises on the theological and moral virtues and on the lawful use of probable opinion.

Estius (Hesselo van Est), Guilelmus, Belgian (1542-1613), wrote, besides very well-known commentaries on all the epistles of St. Paul and the seven catholic epistles of the apostles, also Commentaries on the four books of the Sentences, 2 folio volumes, Douai 1615, and often edited afterward.

Eymericus, Nicol., O.P., Spanish (d. 1399), a man most celebrated in his age, who, as Quetif and Echard enumerate, *Scriptores Ord. Praed.* I, 709 sqq., published 36 works. His *Directorium inquisitorum*, 1 folio volume, Rome 1587, pertains in some way to moral theology.

F

Fagnanus, Prosper, Italian (1587-1678), was made blind in the 44th year of his age, wherefore he was called "the most keen-sighted blind doctor"; he wrote a truly classic commentary on the Decretals of Gregory IX. He also wrote a little work *De opinione probabili*. In general he defends rigid opinions; wherefore he is called by St. Alphonsus, *Theol. mor.* book 3, no. 669, "the great prince of the rigorists."

Fagundez, Stephan., S.J., Portuguese (1577-1645), wrote: 1. *In 10 praecepta Decalogi*, 2 folio volumes, Lyons 1640; 2. *In 5 praecepta Ecclesiae*, in folio, there, 1626; 3. *De iustitia et contractibus*, in folio, there, 1641.

Feije, Henr., Belgian, professor at Louvain (1820-1894), among other things wrote the excellent work *De impedimentis et dispensationibus matrimonialibus*, Louvain 1867, 4th edition 1893.

Ferraris, Lucius, O.Min., Italian (d. ca. 1760), wrote the most useful work known to everyone, *Prompta bibliotheca canonica, iuridica moralis, theologica....* The edition prepared by Migne, 1860, is the best. Bucceroni published a supplement to this work in the year 1899.

Ferreres, I. B., S.J., Spanish, enlarged the works of Gury, *Compendium theol. mor.* and *Casus conscientiae*, with very good additions. Besides this he published several moral and canonical works, which are excellent and very useful, notably for peoples who use the Spanish and Portuguese languages.

Filliucci, Vinc., S.J., Italian (1566-1622), wrote *Quaestiones morales*, 2 folio volumes, Lyons 1622 and often edited afterward.

St. Francis de Sales, French, bishop of Geneva, Doctor of the Church (1567-1622), in his ascetical works handed down most useful things for the practice of confessors.

Franzoja, Angelus, Italian (d. 1760), wrote: *Theologia morum ab H. Busenbaum primum tradita, tum a cl. Lacroix et Fr. Ant. Zaccaria eiusdem sociis aucta, nunc demum iuxta saniores et praesertim D. Thomae Aq. doctrinam ad trutinam revocata*, Bologna 1760. The author is very rigid.

Frassen, Claudius, O.Min., French (1620-1711), a distinguished Scotist, besides other things wrote the famous work *Scotus academicus, seu universa Doctoris subtilis theologica dogmata*, 4 folio volumes, Paris 1672-1677. Still in 1900 sqq. a new edition of this work was made at Rome, consisting of 12 volumes in 8vo.

Friburgo, de, Ioannes, see Ioannes.

Frins, Vict., S.J., German (1840-1912), wrote extensively *De actibus humanis*, 3 volumes in 8vo, Freiburg im Breisgau 1897 sq.

Fumus, Barthol., O.P., Italian (d. 1545), wrote *Summa theologiae moralis*, which is called *Aurea armilla* and has often been edited, for example Venice 1596. It treats moral matters in alphabetical order.

G

Garcia, Franc., O.P., Spanish (d. 1583), wrote *Tratado utilisimo de todos los contratos, cuantos en los negocios humanos se pueden ofrecer*, 2 volumes in 8vo, Valencia 1583. This work was translated into the Italian language. Garcia also labored much to correct the text of the Summa of St. Thomas, but not always with a happy outcome. Cf. Quetif and Echard, *Scriptores Ord. Praed.* II, 267.

Gasparri, Petr., Italian, Cardinal, wrote several truly distinguished works: *De matrimonio*, 2 volumes in 8vo, 2nd edition 1904; *De eucharistia*, 2 volumes in 8vo, 1897; *De s. ordinatione*, 2 volumes in 8vo, 1893.

Gatticus, Ioan. Bapt., Canon Regular of the Lateran, Italian (1704-1754), wrote a learned and erudite work, *De oratoriis domesticis et de usu altaris portatilis*, in folio, Rome 1746.

Gaume, Ios., French (1802-1879), excellently gathered salutary counsels for confessors in the work entitled *Manuel des confesseurs*, 10th edition, 1872.

Gavanti, Barth., Barnabite, Italian (1569-1638), a distinguished and very well-known liturgical author, whose *Thesaurus sacrorum rituum* has often been edited.

Genicot, Eduard., S.J., Belgian (1856-1900), published *Theologiae moralis institutiones*, composed in a clear and succinct order; the 6th edition, 1909, was prepared by J. Salsmans. Likewise he published *Casus conscientiae*, in which, however, he not rarely shows himself too benign.

Gennari, Casim., Cardinal, Italian (1839-1914), wrote *Consultazioni morali-canoniche-liturgiche*, 1 volume, Rome 1902; *Consultazioni canoniche-liturgiche*, 1 volume; *Breve commento della nuova legge sugli Sponsali e sul Matrimonio*, and several other very commendable works and little works.

Gerson (Charlier), Ioan., chancellor of Paris (1363-1429), all his works were edited several times; the best of all seems to be the edition prepared by Du Pin, 5 folio volumes, Antwerp 1706. He wrote very useful things on mystical theology, but in other matters sometimes defends false opinions.

Gerster, Fr. Thomas Villanova, O.Cap., German, besides many other things wrote *Katholische Sittenlehre*, 3rd edition, 1927, a short but clear work and very useful for practice.

Gobat, Georg., S.J., Swiss (1600-1679), wrote several moral little works, in which even some condemned propositions are found. All the moral works of this author were published at Munich, 1681, 3 tomes in 2 folio volumes, and often afterward. Gobat is a pure Casuist and his works today are of little practical utility. Cf. *Theol. Zeitschr.*, Innsbruck 1915.

Goepfert, Adam Franc., German, professor at Wurzburg (1849-1913), published a treatise on oath, *Der Eid*, Mainz 1883; then the work begun by I. B. Renninger, *Pastoraltheologie*, 1893; and finally the work entitled *Moraltheologie*. The eighth edition, 1920, was prepared by Carolus Staab. He is a clear author, using a simple style, lucid order, and solid doctrine.

Gonet, Ioan. Bapt., O.P., French (1616-1681), most sharply attacked Probabilism. His principal work is *Clypeus theologiae thomisticae*, 5 folio volumes, Cologne 1671. Several editions of this work exist.

Gonzalez, Thyrsus, S.J., Spanish (1624-1705), was superior general of the Society of Jesus; he tried to introduce Probabiliorism into the whole Society of Jesus. He wrote, besides other things: 1. *Fundamentum theologiae moralis, id est tractatus de recto usu opinionum probabilium*, Rome 1694; 2. *Selectae disputationes ex universa theologia scholastica*, Salamanca 1680-1686, 4 folio volumes. In the controversies concerning Probabilism the right manner of charity, and even of justice, was not rarely injured by several authors.

Gotti, Vinc., O.P., Italian, Cardinal and patriarch of Jerusalem (1664-1742), wrote, besides apologetic works, *Theologia scholastico-dogmatica iuxta mentem D. Thomae Aq.*, 16 volumes in 4to, Bologna 1725-1735. This work, which shines with clarity, solidity, and polish, was edited several times afterward.

Gousset, Theod., French, Cardinal and archbishop of Rheims (1792-1866), wrote the very well-known and often edited work *Theologie morale a l'usage des cures et des confesseurs*, Paris 1845.

Graffius, Iac., titular abbot of Monte Cassino, Italian (1548-1620), composed several very useful casuistic moral works, for example *Decisiones aureae casuum conscientiae*, 3 volumes in 4to, Venice 1609; *De arbitrariis confessariorum*, in 4to, Naples 1613.

Granada, Ludovicus de, O.P., Spanish (d. 1588), conspicuous both for holiness of life and breadth of doctrine. His works have been edited very often. That edition which was made by Iustus Cuervo, O.P., 14 volumes in 4to, Madrid 1906, surpasses the others. For moral theology those things which he wrote on virtues and vices are of great importance.

Grossi, Phil., O.P., Italian (d. 1704), wrote *Tractatus in universam theologiam moralem secundum doctrinam Angelici Praeceptoris, S. Thomae Aq.*, 4 folio volumes, Modena 1694.

Gury, Ioan. Petr., S.J., French (1801-1866). Perhaps there do not exist moral works in the nineteenth century so widely circulated as the *Compendium theologiae moralis* and *Casus conscientiae*, written by Gury in a clear and succinct manner.

H

Habert, Ludov., French (1635-1718), wrote *Theologia dogmatica et moralis*, 7 volumes in 12mo, Lyons 1709. This work indeed is not altogether immune from the Jansenist stain.

Haine, I. F., Belgian (1815-1900), besides other things wrote a clear and solid work, *Theologiae moralis elementa ex S. Thoma aliisque probatis auctoribus*, Louvain 1881, 4 volumes in 8vo. After his death, I. Bund, C.Ss.C., prepared the fifth edition in 1906. Haine is a benign author and sincerely tries to attain the mind of St. Thomas.

Halensis, Alexander, O.Min. (d. 1245), surnamed the Irrefragable Doctor, is a great ornament of the Order of Minors. The critical edition of his Commentaries on the books of the Sentences has been begun.

Henno, Franc., O.Min., Belgian (ca. 1713), wrote *Theologia dogmatica et scholastica*, a work edited several times, for example 2 folio volumes, Cologne 1718. He is a sufficiently subtle Scotist and in several matters a vehement adversary of the Thomists. He is attacked more than once by Billuart.

Henricus a S. Ignatio, Carmelite, Belgian (1631-1720), wrote a rather well-known work entitled *Ethica amoris*, which was condemned by the Holy Office on 21 August 1714, because it does not sufficiently guard against the errors of Baius and Jansenius.

Henriquez, Henricus, S.J., Spanish (1536-1608), wrote *Summa theologiae moralis*, Salamanca 1591 and often afterward. He is very often cited by St. Alphonsus.

Herinckx, Guilelmus, O.Min., Belgian, bishop of Ypres (d. 1678), wrote *Summa theologiae scholasticae et moralis ad mentem Scoti*, 4 folio volumes, Antwerp 1660. It contains some condemned propositions, which were retracted by his confrere van Goorlaeken in the edition prepared in 1702-1704.

Hilarius a Sexten, O.Cap., Austrian (d. 1900), composed several moral works in a clear style, for example *Compendium theologiae mor.*, 2 volumes in 8vo, Meran 1889; *Tractatus pastoralis de sacramentis*, there, 1895; *De censuris*, Mainz 1898.

Hollweck, Ios., professor at Eichstatt, wrote or edited very commendable works, filled with learning: *Die kirchl. Strafgesetze*, Mainz 1899; *Das kirchl. Bucherverbot*, 2nd edition, 1897; Hergenrother, *Lehrbuch des kathol. Kirchenrechts*, 1905.

Holzmann, Apollonius, O.Min., German (d. 1748), wrote *Theologia moralis*, 2 folio volumes, Kempten 1737-1742, a useful work both because of clarity of doctrine and because of the added practical cases.

Hurtado, Gaspar., S.J., Spanish (1575-1646), wrote several things on moral theology, for example *De fide, spe et caritate*, *De iustitia et iure*, *De sacramentis et censuris*, and so forth, Madrid 1632 sqq.

I

Ildephonsus, Ioan. Bapt., O.P., see Baptista.

Illsung, Iac., S.J., German (d. 1695), published a work inscribed *Arbor scientiae boni et mali, sive Theologia practica universa de bono et malo morali*, in folio, Dillingen 1693.

Ioannes Rumsik, Lector de Friburgo, O.P., German (d. 1314), devoted his whole life to practical moral theology and published several works on this matter, among which his *Summa confessorum* stands out; it is the foundation of almost all similar works afterward published by other theologians. It first appeared at Reutlingen 1487, in folio, and afterward very often. For other works of Ioannes de Friburgo see Quetif and Echard, *Scriptores Ord. Praed.* I, 523 sqq.

Ioannes a S. Thoma, O.P., Spanish (1589-1644), stands out among the commentators of St. Thomas; he teaches moderate Probabilism. His works *Cursus philosophicus* and *Cursus theologicus*, edited several times, the last edition Paris 1867 and 1888, are most worthy of recommendation.

Jone, Heribert, Capuchin, German, wrote among other things *Kathol. Moraltheologie*, Paderborn 1930, a work indeed brief, but excellent for clarity, solid doctrine, and practical utility.

Juenin, Gaspar, of the Congregation of the Oratory, French (1640-1713), is a rigid author. His *Institutiones theologicae*, proscribed by the Holy Office on 22 May 1708, are still found in the Index of Prohibited Books.

K

Kazenberger, Kilian, O.Min., German (d. 1750), continuator of the Moral Theology edited both by Sporer and by Sargar.

Kenrick, Patric., archbishop of Baltimore (1797-1863), wrote, besides other things, *Theologia moralis*, 2 volumes in 8vo, Mainz 1860, very practical.

Koch, Ant., professor at Tubingen, German, wrote *Lehrbuch der Moraltheologie*, Freiburg im Breisgau 1905 and afterward several times edited. It is a work avoiding the rocks of Casuistry, giving solid and clear doctrine.

Konings, A., C.Ss.R., Belgian (d. 1884), reduced the theology of St. Alphonsus into a compendium, 5th edition, New York 1882, a useful work especially for America. He also arranged a *Commentarium in facultates apostolicas ad usum ven. cleri Americani*, whose enlarged third edition was prepared by his confrere Ios. Putzer, in 8vo, Ilchester 1893, a work likewise very useful especially for America.

Kugler, Ioan., S.J., Bohemian (1654-1721). His principal work is *Tractatus theologico-canonicus de matrimonio*, several times edited, for example Breslau 1728, in folio.

Kutschker, Ioan. Rud., Austrian (1810-1881), Cardinal and archbishop of Vienna, arranged with great diligence: 1. *Das Eherecht der kath. Kirche nach seiner Theorie und Praxis*, 5 volumes, Vienna 1856; 2. *Die gemischten Ehen*, Vienna 1838; 3. *Die Lehre vom Schadenersatz*, Olmutz 1851, and several other things.

L

Lacroix, Claud., S.J., Belgian (1652-1714). His *Theologia moralis* was often edited both before and after the author's death; it is an excellent commentary on the *Medulla* of Busembaum. The last edition appeared at Paris 1874, 4 volumes in 4to.

Lambertini, Prosper, see Benedict XIV.

Larraga, Franc., O.P., Spanish (d. 1715), wrote *Prontuario de teologia moral* in 8vo, often edited and revised even in our own days, Avila 1919.

Laymann, Paul., S.J., German (1574-1635), equally skilled in moral theology and in canon law, wrote works distinguished by clarity and solidity. Besides his great work *Theologia moralis*, he was the author of many treatises on canon law, which were collected and arranged under the title *Ius canonicum R. P. Laymann*, 3 volumes, Dillingen 1663.

Leander a SS. Sacramento, O.SS.Trinit., Spanish (1591-1663), is an excessively benign author in moral matters. He wrote *Quaestiones morales theol.*, distributed into 8 parts, which, collected together after his death, appeared at Lyons 1669 sqq., 8 folio volumes.

Ledesma, Barthol. de, O.P., Spanish, bishop of Oaxaca, or Antequera, in Mexico (d. 1604), wrote a collection of cases of conscience under the title *Una suma de casos de conciencia o de los sacramentos*, Mexico 1560, enlarged and revised at Salamanca 1585.

Ledesma, Martinus de, O.P., Spanish (d. 1574), wrote Commentaries on the fourth book of the Sentences, 2 folio volumes, Coimbra 1555-1560.

Ledesma, Petrus de, O.P., Spanish (d. 1616), a very celebrated doctor in theology, wrote among other things: *De magno matrimonii sacramento*, 1 volume in 4to, Venice 1595; *Summa seu theologia moralis de sacramentis*. The work was written in Spanish and afterward rendered into Latin, 2 folio volumes, Salamanca 1614 and Lisbon 1617.

Lehmkuhl, Aug., S.J., German (1834-1917), deservedly obtained a very eminent place among writers on moral theology. He wrote, besides many other things, *Theologia moralis*, 2 volumes in 8vo, already printed twelve times. Likewise *Casus conscientiae*, 2 volumes in 8vo, 4th edition; *Probabilismus vindicatus*, Freiburg 1906. It is to be regretted that his style sometimes lacks limpid clarity.

Lessius (Leys), Leon., S.J., Belgian (1554-1623), wrote the very celebrated work *De iustitia et iure ceterisque virtutibus cardinalibus*, in folio, Louvain 1605, often edited. Less known are his *Tractatus de beatitudine, de actibus humanis, de sacramentis, de censuris*, in folio, Louvain 1645. But it is known to everyone how very sharp disputes broke out because of Lessius's works on efficacious grace, predestination and reprobation, free will, and so forth; but these rather pertain to Dogmatics.

Lezana, Ioan. Bapt. de, O.Carm., Spanish (1586-1659), wrote several works on theology and on the law of Religious, for example *Summa theologiae ex Angelico Doctore*, 3 folio volumes, Rome 1651 sqq.; *Summa quaestionum regularium*, 5 folio volumes, Rome 1634; *Consulta varia theologica*, in folio, Venice 1651.

St. Liguori, see St. Alphonsus.

Linsenmann, Franc. Xav., German (1835-1898), among other things wrote *Lehrbuch der Moraltheologie*, Freiburg im Breisgau 1878, a clear work, but not always correct.

Lopez, Ludov., O.P., Spanish (d. 1596), wrote *Instructorium conscientiae...*, in 4to, Salamanca 1585, a work very often edited and also translated into the Italian language. Quetif and Echard, *Scriptores Ord. Praed.* II, 316, note:

"In deciding cases of conscience he is judged by learned men to be rather lax." The same author wrote *Tractatus de contractibus...*, in folio, Salamanca 1592.

Lorca, Petrus de, O.Cist., Spanish (1554-1606), wrote most learned Commentaries on I-II of St. Thomas, 2 folio volumes, Alcala 1609, and on II-II of St. Thomas, in folio, Madrid 1614.

Loth, Ludov. Bertr., O.P., Belgian (d. 1662), wrote, besides other things, *Resolutiones theologicas illustrium difficultatum contingentium in Belgio*, in folio; this work was edited after the author's death at Bruges, 1687.

Lugo, Franc. de, S.J., Spanish (1580-1652), wrote *Tractatus de septem sacramentis*, in 4to, Venice 1652, and *Decursus praevius ad theologiam moralem*, in 4to, Alcala de Henares 1642.

Lugo, Ioan. de, S.J., Spanish, Cardinal (1583-1660), brother of Franciscus de Lugo, endowed with acute intellect, highly esteemed by St. Alphonsus, *Theol. mor.* III, 552, wrote several works, of which these pertain to moral theology: *Tractatus de fide, de iustitia et iure, de contractibus, de sacramentis, Responsa moralia.* A neat edition of Lugo's works was prepared by I. B. Fournials, 8 volumes in 4to, Paris 1868.

Luydl, Corbin., O.Min., from Augsburg (1718-1778), a sharp anti-probabilist, wrote a learned indeed but too prolix work, *Institutiones theologiae moralis christianae et evangelicae*, which his confrere Bonif. Schneidenbach continued, Kempten, 20 volumes in 12mo, 1771-1784.

M

Maeratius, Ludov., S.J., French (d. 1664), left *Disputationes in Summam theol. universam S. Thomae*, 3 folio volumes, Paris 1633.

Malderus, Ioan., Belgian, bishop of Antwerp (1561-1633), wrote Commentaries on I-II of St. Thomas, in folio, Antwerp 1623; moreover *De virtutibus theologicis, de iustitia, de religione*, in folio, Antwerp 1616; finally he published *Tractatus de sigillo confessionis sacramentalis*, in 8vo, there, 1626.

Many, S., French, wrote several very solid and useful works especially regarding canon law, for example *Praelectiones iuris canonici*, namely 1. on the Mass, 2. on the sacrament of the Most Holy Eucharist, 3. on sacred places, 4. on sacred ordination, Paris 1904 sq.

Marc, Clem., C.Ss.R., French (1831-1887), wrote a work eminent for clarity and solidity of doctrine, entitled *Institutiones morales Alphonsianae*, which had already obtained 18 editions by the year 1928, 2 volumes in 8vo.

March, Acatius, O.P., Spanish, bishop of Orihuela (d. 1665), wrote in the Spanish language *Resoluciones morales*, 2 folio volumes, Valencia 1656-1658. He proceeds in alphabetical order, as almost all the little summas compiled at that time did.

Marchant, Iac., Belgian (1648), wrote the very widespread work *Hortus pastorum*, Cologne 1635. He also wrote *Opuscula pastoralia*, Cologne in the same year.

Marchant, Petr., O.Min., Belgian (1585-1661), is a distinguished probabilist, who wrote the rather curious work *Tribunal sacramentale et visibile animarum in hac vita mortali*, 2 folio volumes, Ghent 1642. For his other works of lesser importance see Hurter, *Nomenclator* III, 1203.

Margarita confessorum seems to have been published by a certain religious of the convent of St. Paul at Seville, O.P., 1 volume in 8vo, Seville 1526.

Marres, P. H., Dutch, wrote a very useful work for the Netherlands, namely *De iustitia secundum doctrinam theologicam et principia iuris recentioris, speciatim vero Neerlandici*, 2nd edition, Roermond 1889.

Martin, Conr., bishop of Paderborn (1812-1879), besides several other works wrote *Lehrbuch der Moral*, Mainz 1850, several times edited.

Martinez, Gregor., O.P., Spanish (1575-1637), wrote very extensive Commentaries on I-II of St. Thomas, 3 folio volumes, Valladolid 1617-1637.

Martinez, Ioannes de Prado, O.P., Spanish (d. 1668), is a fecund author who published several solid works on moral theology, for example *Theologiae moralis quaestiones praecipuae*, 2 folio volumes, Alcala 1654-1656; *Dubitationes morales de sacramentis in genere et in specie*, in folio, there, 1660; *De poenitentiae sacramento*, there, 1669, a posthumous folio work.

Mas, Vinc., O.P., Spanish (d. 1772), wrote works with these titles: *Propositionum canonice damnatarum praedamnatio Augustino-thomistica*, 2 volumes in 4to, Valencia 1761; *Incommoda probabilismi*, in 4to, there, 1765.

Mastrius, Barth., O.Min., Italian (1673), to be numbered entirely among the foremost Scotists, wrote, besides *Disputationes theol. in 4 libros Sententiarum*, *Theologia moralis ad mentem DD. Seraphici et Subtilis concinnata*, in folio, Venice 1671.

Matharan, Mauritius, S.J., French (d. 1894), wrote a clear and useful work, *Casus de matrimonio fere quingenti*, Paris 1896, 2nd edition; he also arranged a *Compendium theologiae moralis*, Paris 1893, often edited afterward.

Mausbach, Ios., German (1861-1931), published several moral works furnished with beautiful style and solid doctrine, for example *Thomae Aq. de voluntate et appetitu sensitivo doctrina*, *Die Ethik des hl. Augustinus*, *Katholische Moraltheologie*, and so forth.

Mayol, Ios., O.P., French (d. 1704), wrote *Summa moralis doctrinae thomisticae*, Avignon 1704. Part of this work was reprinted in the complete course of theology compiled by Migne, volume 13, 715-962.

Mayr, Anton., S.J., German (1673-1749), wrote *Theologia scholastica*, 8 volumes in 8vo, Ingolstadt 1729, where he defends Aequiprobabilism already before St. Alphonsus.

Mazzotta, Nicol., S.J., Italian (1669-1746). His *Theologia moralis*, often praised by St. Alphonsus, was published after the author's death at Naples, 1748, and afterward several times.

Medina, Barth., O.P., Spanish (1528-1581), is called the father of Probabilism. He wrote Commentaries on I-II and on III of St. Thomas, 2 folio volumes, Salamanca 1577, and then several times afterward. Likewise he published *Breve instruccion de como se ha de administrar el Sacramento de la Penitencia*, in 8vo, Salamanca 1580. This work, translated into Latin by Raphael de Cesare, was often edited.

Medina, Ioan., Spanish (1490-1546), is held in great esteem in moral theology, although he defended some erroneous things. His works were edited several times. In the Ingolstadt edition of 1581, which seems to be better and which we used, this is the series of treatises: on the sacrament of penance, on fasting, almsgiving, prayer, volume 1; on restitution and contracts, volume 2.

Mendo, Andreas, S.J., Spanish (1608-1684). "He is among those authors whose name scarcely appears elsewhere among citations than where some anomalous opinion is produced." Thus Ballerini, note to Gury I, no. 414. He wrote the very long *Elucidatio in Bullam S. Cruciatae*, in folio, Lyons 1668; *Epitome opinionum moralium*, in 8vo, Venice 1676; *Statera opinionum benignarum*. This last work is still found in the Index of Prohibited Books.

Meratus, Caiet., Theatine, Italian (1668-1774), is a classic author in liturgical matters; he edited and enlarged the *Thesaurus sacr. rituum* compiled by Barth. Gavanti.

Mercado, Thom., O.P., Spanish (1575), wrote *Summa de tratos y contratos*, in 4to, Salamanca 1569, a work edited several times and also translated into the Italian language.

Mercorus, Iul., O.P., Italian (d. 1669), wrote the work entitled *Basis totius theologiae moralis*, in folio, Mantua 1658. He attacks lax opinions proposed by Escobar, Caramuel, Pasqualigo, and others. Hence it happened that afterward he had to publish several other little works in order to defend himself against the attacks of adversaries.

Milante, Pius Thom., O.P., Italian, bishop of Stabiae, Castellammare (d. 1749), had St. Alphonsus as a disciple. Among other things, on moral matters he wrote *Exercitationes dogmatico-morales in propositiones proscriptas*, 3 volumes in 4to, Naples 1738-1740. Against Concina he wrote *Vindiciae Regularium in causa monasticae paupertatis*, in 4to, Naples 1740.

Minderer, Sebaldus, O.Min., German (1710-1784), wrote, as a supplement to the moral theology arranged by Elbel, the distinguished treatise *De indulgentiis et iubilaeo*, in 8vo, Augsburg 1763.

Molina, Lud., S.J., Spanish (1536-1600). For moral theology his very extensive treatise *De iustitia et iure* is worthy of mention. The best of all seems to be the edition prepared in 5 tomes in 2 folio volumes, Mainz 1733.

Montesinos, Lud. de, Spanish (1553-1621), a man excelling in clarity of intellect, left Commentaries on I-II of St. Thomas Aquinas, 2 folio volumes, Alcala 1622.

Moran, Ios., O.P., Spanish, wrote in the Spanish language *Teologia moral*, 3 volumes in 4to, Madrid 1883, a solid and commendable work.

Morinus, Ioan., of the Congregation of the Oratory, French (1591-1659), a distinguished archaeologist. For moral theology his works *De disciplina in administratione sacramenti poenitentiae 13 primis saeculis*, in folio, Paris 1651, and *Commentarius ... de sacris Ecclesiae ordinationibus*, in folio, Paris 1655, are worthy of mention, but are to be read with some circumspection.

Moya, Matth. de, S.J., Spanish (1610-1684), is not a commendable author. Under the fictitious name Amadeus Guimenius he wrote *Opusculum singularia universae fere theologiae moralis complectens adversus quorumdam expostulationes*, Lyons 1664. This book was not only placed on the Index, but was also proscribed by a Brief of Innocent XI on 16 September 1680. Another work of Moya, *Quaestiones selectae in praecipuis theologiae mor. tractatibus*, in folio, Madrid 1670, was likewise placed on the Index.

Muller, Ern., Austrian, bishop of Linz (1822-1888), elaborated *Theologia moralis*, often edited, also after the author's death. In this work there is not only solid and clear doctrine, but also knowledge and piety are neatly united, so that instruction and one's own edification can be drawn from it at the same time.

N

Naldus, Antonius, Theatine, Italian (d. 1645), compiled *Summa seu resolutiones pract. casuum conscientiae, alphabetica serie ... digestas*, Rome 1635 and often edited.

Navarrus. Thus Martinus Azpilcueta, Spanish (1493-1586), Canon Regular, is commonly called. In his time he was very well known, and for a long time he fulfilled at Rome the office of Penitentiary. All his works appeared in 5 folio volumes, Lyons 1594 and several times afterward.

Nazarius, Ioan. Paul, O.P., Italian (1556-1646), wrote very extensive Commentaries on the Summa of St. Thomas, comprised in 6 folio volumes. Moreover he published a seventh volume containing several little works, some of which pertain to moral theology, for example *Responsiones ad quaedam quaesita casuum conscientiae*, on the state and obligation of religious, and so forth.

Nider, Ioan., O.P., German (d. 1438), an altogether distinguished man, left several very widely circulated works. To moral theology pertain, for example, *Formicarius*, a work often edited; *Praeceptorium divinae legis*, that is, a treatise on the ten precepts, Basel 1473 and afterward edited at least seventeen times down to the year 1500, cf. Hain, *Repert.* II, 11, 780; *Tractatus de contractibus mercatorum*, Paris 1514; *Consolatorium timoratae conscientiae*, Paris 1487, and so forth.

Noldin, Hieronym., S.J., Austrian (1838-1922), wrote among other things a work entitled *Summa theologiae moralis*, 3 volumes in 8vo, 20th edition, Innsbruck 1930, prepared by Schmitt, and it is deservedly numbered among the best works of this time because of clarity, solid doctrine, and the neat manner of treating all practical questions.

O

Ojetti, Bened., S.J., Italian, wrote very commendable works: *Synopsis rerum moralium et iuris pontificii alphabetico ordine digesta*, in 4to, 3rd edition, Rome 1912; *In ius antepianum et pianum ex decreto "Ne temere" ... commentarii.*

Ostiensis (Henricus de Segusia), Italian (d. 1271), a very celebrated canonist, wrote *Summa super titulis decretalium*, very often edited, which because of its excellence was called golden.

Oviedo, Franc. de, S.J., Spanish (1602-1651), wrote Commentaries on I-II of St. Thomas, 1 folio volume, Lyons 1646, and *Tractatus de virtutibus theologicis*, 1 folio volume, there, 1651.

P

Palmieri, Dom., S.J., Italian (1829-1909), composed several works, for example *De matrimonio christiano*, *De poenitentia*. He also edited the great moral work of Antonius Ballerini, 3rd edition, Rome 1898-1901, and the Compendium written by Gury, 15th edition, there, 1907.

Paludanus, Petrus, O.P., French (d. 1342), patriarch of Jerusalem, wrote besides many other works, cf. Quetif and Echard, *Scriptores Ord. Praed.* I, 603 sq., Commentaries on the third and fourth books of the Sentences, most diligently revised by Vinc. de Haerlem, 2 folio volumes, Paris 1514.

Pasqualigo, Zachar., Theatine, Italian (1600-1664), is sometimes an excessively benign author. Some of his works were placed on the Index, for example *Decisiones morales*, in folio, Verona 1641; *Sacra moralis doctrina*, in folio, Venice 1650. His classic work is *De sacrificio novae legis quaestiones theologicae, morales, iuridicae*, 2 folio volumes, Lyons 1662 and several times afterward.

Passerinus de Sextula, Petr., O.P., Italian (1594-1677), is counted among the best canonists of his time. For his works see our *Manual of Canon Law*, p. XXXVI.

Patuzzi, Vinc., O.P., Italian (1700-1769), is Concina's apologist and colleague in attacking Probabilism. He also attacked St. Alphonsus. He wrote several works. Pertaining to moral theology is *Ethica christiana sive theologia moralis*, 3 folio volumes, Bassano 1760, which, reduced into a compendium, has been edited several times, for example 4 volumes in 8vo, Lodi 1833.

Pauwels, Ios., O.Min. (ca. 1759), wrote very well-known treatises: *De casibus reservatis*, 3 volumes in 8vo, Louvain 1750-1756, and *Magnum matrimonii sacramentum reductum in casus*, 2 volumes in 8vo, Louvain 1750.

Pellizarius, Franc., S.J., Italian (1596-1651), is a very well-known author on the law of Religious. Since the earlier editions of his works were placed on the Index, the editions corrected according to the Roman edition of 1755 must be used.

Pennacchi, Ios., Italian (d. 1898), published extensive and learned Commentaries on the Constitution *Apostolicae Sedis*, 2 volumes in 8vo, Rome 1883, and on the Constitution *Officiorum ac munerum*, 1 volume in 8vo, Rome 1898.

Peraldus, Guil., O.P., French (d. ca. 1250), wrote the distinguished work *Summa de vitiis et virtutibus*, very often edited, for example Paris 1519, 2 volumes in 8vo.

Petrocorensis, that is, *Theologia moralis ad usum seminarii Petrocorensis*, 6 volumes in 12mo, Padua 1735. It is a work not rarely cited by St. Alphonsus.

Piscetta, Alois., Italian, wrote a neat and solid work, *Theologiae moralis elementa*, several times edited at Turin 1908, 3rd edition, 3 volumes in 8vo. A fourth volume, *Elementa theologiae sacramentariae*, was added by Dante Munerati.

Pontas, Ioan., French (1638-1728), composed *Dictionarium casuum conscientiae*. This work was first written in the French language, but afterward translated into Latin and often edited and revised, for example by Concina and Collet. That edition which Migne prepared in 1847, 2 volumes in 4to, is good. Pontas is a rigid author.

Pontius, Basil., O.S.A., Spanish (1569-1629), wrote very good works *De sacramento matrimonii*, in folio, Salamanca 1624 and often afterward, and *Tractatus de impedimentis matrimonii*, in 4to, Salamanca 1613. Pontius fought strenuously for preserving Thomism in the Academy of Salamanca.

Portel, Laur., O.Min., Spanish (ca. 1630), wrote several casuistic works, for example *Dubia regularia*, in 4to, Venice 1641; *Responsiones ... casuum moralium*, 2 volumes in 4to, Venice 1645.

Prado, O.P., see Martinez.

Prickartz, Ios., O.Praem., Bohemian (d. 1737), wrote *Theologia moralis*, 7 volumes in 8vo, Cologne 1752 sqq. This work at that time was sufficiently widespread in Germany.

Prierias, Sylvester (Sylvester Mazolinus de Prierio), O.P., Italian, Master of the Sacred Palace (d. 1523), is a very celebrated and most fecund author. For a list of his works see Quetif and Echard, *Scriptores Ord. Praed.* II, 55 sqq. For moral theology his *Summa Summarum*, which is called the Silvestrina, is most worthy of mention; in it, in 715 articles arranged alphabetically, all moral theology is treated, 2 volumes in 4to. More than 49 editions of this work exist.

Pruner, Ioan. Evang. (1825-1907), German, professor at Eichstatt, a truly apostolic man, published very good works: *Katholische Moraltheologie*, 3rd edition, Freiburg im Breisgau 1903; *Pastoraltheologie*, 5th edition prepared by J. Seitz, Paderborn 1920; *Die Lehre vom Recht und der Gerechtigkeit*, 1857.

Q

Quarti, Paul. Maria, Theatine, Italian (d. ca. 1655), wrote, besides distinguished works on liturgy, the book entitled *Matura discussio casuum episcopalium*, in 4to, Naples 1668.

Quintanaduenas, Ant. de, S.J., Spanish (d. 1651), is sometimes cited by St. Alphonsus; he wrote: 1. *Singularia theologiae moralis ad septem Ecclesiae sacramenta*, in folio, Seville 1645; 2. *Ad quinque Ecclesiae praecepta necnon ad ecclesiasticas censuras et poenas*, in folio, Madrid 1652.

R

Rassler, Christoph., S.J., German (1654-1723), proposed Aequiprobabilism already before St. Alphonsus in the work *Norma recti seu tractatus theologicus ... de regula honestatis ac de recto usu opinionum probabilium*, in folio, Ingolstadt 1713. Rassler is also the author of the anonymous work *Vindiciae Gobatianae*, in 4to, Ingolstadt 1706.

Raus, J. B., C.Ss.R., Luxembourger, re-edited the *Institutiones Mor. Alphonsian.* elaborated by the distinguished Marc. He also published the solid work *De sacrae obedientiae virtute et voto*, Lyons 1923.

St. Raymond of Pennafort, O.P., Spanish, penitentiary of the Pope, master general of the Order of Preachers (1175-1275), is the celebrated compiler of the Decretals of Gregory IX and author of the *Summa de poenitentia et matrimonio*; this distinguished book was illustrated with commentaries by several, for example Guilelmus Rhedonensis and Ioannes de Friburgo.

Raynaudus, Theophil., S.J., French (1582-1663), is a most fecund author, writing 20 folio volumes. Some of his works were placed on the Index, until they should be corrected. From the whole mass of these works almost nothing worthy of mention exists for moral theology except his treatise *De aequivocatione et mentali restrictione*, found in volume 14 of the works.

Reding, Augustin., O.S.B., Swiss (1625-1692), was abbot of Einsiedeln and wrote with the highest learning, though not always with a clear style, *Theologia scholastica universa*, 13 folio volumes, Einsiedeln 1687. Everywhere he follows the Thomistic school.

Reginaldus (Renaud), Valerius, S.J., French (1543-1623), wrote several works pertaining to moral theology, which are commended by St. Charles Borromeo, St. Francis de Sales, and St. Alphonsus. His principal work is *Praxis fori poenitentialis*, 2 folio volumes, Lyons 1616 and then often edited.

Reiffenstuel, Anaclet., O.Min., German (1641-1703), wrote not only the classic work *Ius canonicum universum*, but also *Theologia moralis*, edited thirty times. The seventh edition, with additions by Massaeus Kresslinger, appeared at Modena 1745, in folio.

Reuter, Ioan., S.J., German (1680-1762), wrote *Theologia moralis*, reprinted several times, 4 volumes in 8vo. More known and useful is his work entitled *Neoconfessarius*, edited again even in our age at Paris, Regensburg, and Freiburg im Breisgau.

Rodriguez, Emanuel, O.Min., Spanish (d. 1613), an illustrious canonist and moralist, very well known from the work *Quaestiones regulares et canonicae*, 4 volumes in 4to, often edited, for example Salamanca 1604-1606. He also wrote *Summa casuum conscientiae*, edited several times, for example Venice 1628, in 4to.

Roncaglia, Constant., of the Congregation of the Mother of God, Italian (1677-1733), wrote, besides other things, *Universa moralis theologia*, 2 folio volumes, Lucca 1630, often edited and much praised by St. Alphonsus. He also wrote *Consiliorum moralium liber singularis*, in folio, Lucca 1729.

Rosella, see Trevamala.

Roskovany, Aug. de, Hungarian, bishop of Nitra (1802-1892), an indefatigable compiler, wrote among many other things *De matrimoniis in Ecclesia catholica*, 2 volumes in 8vo, Eger 1837; *De matrimoniis mixtis*, Pecs

1842-1882, 7 volumes with a Supplement, 1888.

Rosset, Michael, French, bishop of Maurienne (1830-1902), wrote *De sacramento eucharistiae*, 1 volume in 8vo, Chambery 1876; *De sacramento matrimonii*, 6 volumes in 8vo, Paris 1895-1896, a very prolix work, in which, however, not enough account is taken of history.

Rumsik, Ioannes, O.P., see Ioannes de Friburgo.

S

Sa, Eman., S.J., Spanish (1530-1596), wrote the little work *Aphorismi confessariorum*, 1 volume in 12mo, placed on the Index in 1603, but afterward corrected.

Sabetti, Alois., S.J., Italian (1838-1898), reduced the *Compendium theologiae moralis* composed by Gury and Ballerini into a new form especially suited for America, New York 1884; the 28th edition, prepared by Tim. Barrett, appeared in 1922.

Saettler, Gasp., German (d. 1779), a moderate Probabiliorist, wrote *Theologia moralis universa*, 4 volumes in 8vo, which I. Rousselot illustrated with selected and copious annotations, 1810.

Salas, Ioan. de, S.J., Spanish (1553-1612), wrote Commentaries both on I-II of the Theological Summa of St. Thomas, 3 folio volumes, and on II-II, a posthumous work on contracts, 1 volume in 4to, Lyons 1617.

Salesius, see St. Francis.

Salmanticenses are called the very well-known Carmelite authors of the works: 1. *Cursus theologicus ... Summam theologicam complectens*, often edited, and indeed even in our own times, 20 volumes, Paris 1870. 2. *Cursus theologiae moralis*, a work often edited, for example Venice 1714, 6 folio volumes, and very highly esteemed by St. Alphonsus. Sometimes, however, individual authors are not correctly cited among the Salmanticenses.

Salon, Mich., Augustinian Hermit, Spanish (1538-1620), wrote *Controversiae de iustitia et iure atque de contractibus*, 2 folio volumes, Venice 1608. He is a faithful disciple of St. Thomas Aquinas.

Sanchez, Ioan. (Sanctius), Spanish (d. ca. 1624), wrote *Selectae et practicae disputationes de rebus in administratione sacramentorum ... passim occurrentibus*, in folio, Madrid 1624. This work was placed on the Index because of the lax opinions contained in it.

Sanchez, Thomas, S.J., Spanish (1550-1610), wrote: 1. *Opus morale in praecepta Decalogi*, 2 folio volumes, Madrid 1613; 2. *Consilia seu opuscula moralia*, 2 folio volumes, Lyons 1634; 3. *De s. matrimonii sacramento*, 3 folio volumes, Genoa 1602. This last work is very learned; yet it is censured by some because it descends too much into particulars of the conjugal act. In the first work cited above Sanchez more than once defends excessively benign opinions.

Sasserath, Reiner., O.Min.Conv., German (d. ca. 1775), wrote *Cursus theologiae moralis*, divided into four parts, 4 volumes in 8vo, Augsburg 1771 and afterward very often edited. It is a work outstanding for clarity and solidity of doctrine.

Sayrus (Saye), Gregor., O.S.B., English (1560-1602), wrote several distinguished moral works, for example *Clavis regia sacerdotum, casuum conscientiae ... locos omnes aperiens*, in folio, Venice 1605, edited ten times down to 1659; *Thesaurus casuum conscientiae de censuris ecclesiasticis*, in folio, Venice 1601, and seven times afterward. Besides this, Sayrus arranged some similar moral works from the works of Navarrus. The works of

Sayrus were always of great authority among all theologians, and it is remarkable that this man, who departed from this life at the age of 42 years, was able to complete so many volumes, and those very weighty.

Scarpazza, Faustinus, O.P., Italian (1720-1793), wrote, besides other things, a clear, solid, and often edited work entitled *Teologia morale ossia compendio di etica cristiana*, 12 tomes, 4 volumes, in 8vo, Palermo 1843.

Scavini, Petrus, Italian (1790-1869), wrote the distinguished and very widespread work entitled *Theologia moralis universa ad mentem S. Alphonsi*, 4 tomes in 8vo, Novara 1847; at Milan 1902 there appeared the 16th edition.

Scheicher, Ios., Austrian, is a most fecund author. He wrote *Allgemeine Moraltheologie*, 1885; he revised Binder's *Handbuch des Eherechtes*, 3rd and 4th edition, 1887/91; *Compendium theologiae moralis*, 3rd edition, 1904.

Schilling, Otto, German, wrote much on sociology; besides this, *Moraltheologie*, a work of small size but of abundant and solid doctrine, which work he afterward enlarged into *Lehrbuch der Moraltheologie*, Munich 1927, 2 volumes in 8vo.

Schindler, Franc., Austrian (1847-1922), wrote, besides several works on sociology, *Lehrbuch der Moraltheologie*, 3 volumes, Vienna 1914, 2nd edition.

Schuch, Ignat., O.S.B., Austrian (d. 1893), wrote the useful and very well-known book *Handbuch der Pastoraltheologie*, Innsbruck 1910, 15th edition prepared by Polz.

Schwane, Ios., German (1824-1892), among several other things wrote *Die theologische Lehre uber die Vertrage*, Munster 1871; *Spezielle Moraltheologie*, 2nd edition, Freiburg im Breisgau 1885; *Allgemeine Moraltheologie*, there, 1885.

Scotus, Ioan. Duns, O.Min., English (1265-1308), called the Subtle Doctor, acquired great authority for himself, but defended some opinions evidently false. All his works appeared in 12 folio volumes, Lyons 1639; 26 volumes in 4to, Paris 1891 sqq.

Silvius, Franc., Belgian (1581-1649), wrote very well-known Commentaries on the whole Theological Summa of St. Thomas; and besides this some little works, 6 folio volumes, Venice 1726 and several times.

Simar, Hub., German, archbishop of Cologne (1835-1902), wrote on moral theology *Lehrbuch der Moraltheologie*, 3rd edition, Freiburg im Breisgau 1893; *Die Lehre vom Wesen des Gewissens*, there, 1885, part I and only part; *Der Aberglaube*, Cologne 1893, 3rd edition.

Sinnigh, Ioan., Irish (d. 1666). He is an excessively rigid author, favors Jansenism, and seems to have defended the proposition afterward condemned by Alexander VIII: "It is not lawful to follow an opinion, even the most probable among the probable." For the list of his works, some of which are proscribed in the Index, see Hurter, *Nomenclator* IV, 100 sq.

Slater, Thomas, S.J., English, an author known in England and in North America, published, besides *Tractatus de iustitia et iure*, *Principia theologiae moralis*, 1 volume in 8vo, London 1912; *A Manual of Moral Theology for English Speaking Countries*, 2 volumes, 4th edition, New York 1918, works succinct and clear.

Soto, Dominicus de, O.P., Spanish (1494-1560), a man of great soul, theologian at the Council of Trent, wrote besides many other things *Relatio de ratione tegendi et detegendi secretum*, Salamanca 1552 and often afterward; *De iustitia et iure*, 10 books, there 1556 and often afterward.

Soto, Petrus de, O.P., Spanish (d. 1563), wrote among other things *Tractatus de institutione sacerdotum, qui sub episcopis animarum curam gerunt*, in 4to, Dillingen 1558 and often afterward.

Sporer, Patritius, O.Min., German (d. 1714), wrote *Theologia moralis decalogalis et sacramentalis*, which was enlarged by a supplement made by Kilian Kazenberger, 2 folio volumes, Venice 1731, and was newly edited by Iren. Bierbaum, 1897 and 1902. Sporer is an altogether grave author, although sometimes too benign.

Stoz, Matthaeus, S.J., German (d. 1678), wrote *Tribunal poenitentiae*, which work his brother Ioannes Stoz completed and published, 1 volume in 4to, Dillingen 1684.

Suarez, Franc., S.J., Spanish (1548-1617), all works, in folio, 23 tomes, Venice 1740-1757, and Paris, Vives, 1856-1861, 28 volumes in 4to. Suarez is deservedly numbered among the greatest theologians of the renowned Society of Jesus. His *Tractatus de virtute et statu religionis* is truly classic.

Summa confessorum is the name given to several books for the use of confessors, arranged in brief, clear, and almost always alphabetical order. See St. Raymond de Pennafort, Ioannes de Friburgo, Sylvester Prierias, Carleti, Trovamala, Toletus, and so forth.

Surbled, Georg., French, a physician, wrote a very useful work, widely circulated and translated into other languages: *La Morale dans ses rapports avec la medecine et l'hygiene*, 4 volumes in 12mo, 12th edition, Paris 1921.

Sylvester Prierias, see Prierias.

T

Tabiena, that is, Ioan. Cagnazzo de Tabia, O.P., Italian (d. 1521), wrote the very well-known *Summa casuum conscientiae*, which is briefly called *Summa Tabiena* and has been very often edited. A good edition appeared at Venice 1602, in 4to.

Tamburini, Thomas, S.J., Sicilian (1591-1675), wrote several moral works, for example *Explicatio Decalogi*, *Methodus expeditae confessionis*. All the moral works of this author appeared several times, especially under the care of Ant. Zaccaria, 3 folio volumes, Venice 1755. Tamburini is indeed very learned, but too indulgent, and therefore to be read with caution. Cf. St. Alphonsus, *Theol. mor.* book 3, no. 645. He openly teaches that it is lawful to follow an opinion which is probably only probable, *Explicat. Decalogi* book 1, chapter 3, § 3, no. 8.

Tanner, Adam, S.J., German (1572-1632), wrote *Universa theologia scholastica, speculativa, practica ad methodum D. Thomae*, 3 folio volumes, Ingolstadt 1626.

Tanquerey, Ad., French, wrote, besides *Synopsis theologiae dogmaticae*, also *Synopsis theologiae moralis et pastoralis*, 3 volumes in 8vo. This work has several new editions and is outstanding for solid doctrine and a more scientific manner of treating moral matters.

Tappehorn, Ant., German (1823-1908), wrote several very useful and commendable works, for example *Die lassliche Sunde*, Dulmen 1883; *Der Priester am Krankenbett*, 5th edition prepared by Heinekamp, Paderborn 1910; *Die Verwaltung des Bussakramentes*, 5th edition prepared by Rich. Heinrichs, Dulmen 1908.

Terillus, Ant., S.J., English (1623-1676), is one of the principal defenders of Probabilism. He wrote: 1. *Fundamentum totius theologiae moralis seu Tractatus de conscientia probabili*, in 4to, Liege 1668. 2. *Regula morum*, in folio, there, 1678, a posthumous work.

Texeda, Franc. Lopez de, O.P., Spanish (ca. 1640), wrote *Controversiae theologiae moralis omnes status concernentes*, 2 folio volumes, Naples 1632-1646.

Theodorus a Spiritu Sancto, O.Carm., Italian (d. 1764), wrote very good treatises *De indulgentiis*, 2 folio volumes, Rome 1743, and *De iubilaeo*, in folio, there, 1750.

Thesaurus resolutionum S. Congregationis Concilii from the year 1718-1909, 167 volumes in 4to, then in folio. This complete collection is very rarely found in libraries.

St. Thomas Aquinas, O.P., Italian (1226-1274), Doctor of the Church, is deservedly called the prince of scholastic theology. His principal work, namely the *Summa theologica*, contains not only Dogmatics, but also Moral Theology, and indeed both in a most perfect way.

Toletus, Franc., S.J., Spanish (1532-1596), Cardinal, wrote *Instructio sacerdotum* and *De septem peccatis*, which work was very often edited and sometimes also under the title *Summa casuum conscientiae sive instructio sacerdotum in libros VIII distincta*. St. Francis de Sales highly commended this work to his clergy. Besides this Toletus left several unpublished writings, from which Ios. Paria, S.J., published *In Summam theologicam S. Thomae enarratio*, 4 volumes in 4to, Rome 1869.

Torre, Raphael de la, O.P., Spanish (d. 1612), wrote Commentaries on II-II of St. Thomas, 7 questions, namely: 1. *De religione et eius actibus* from question 80 to question 91, in folio, Salamanca 1610; 2. *De vitiis oppositis religioni* from question 92 to question 100, in folio, there, 1612. The third volume, on the remaining parts of justice, where, when treating of obedience, he added a copious treatise on the religious state, was ready for the press, as the author himself testifies, but was not yet printed.

Tournely, Honorat., French (1658-1729), wrote *Praelectiones theologicae*, which, completed by Collet, were often edited, for example Cologne 1752-1765, 10 folio volumes.

Trovamala (Novamala), Baptista, O.Min., Italian (d. 1495), wrote a *Summa* of cases arranged in alphabetical order, which is called *Summa Baptistiniana* or *Rosella casuum*, very often edited in the fifteenth and sixteenth centuries, for example Nuremberg 1484.

Trullench, Ioan. Aegid., Spanish (d. 1644), is cited rather frequently by St. Alphonsus and the Salmanticenses; he left several works pertaining to moral theology, for example *Opus morale sive in 10 Decalogi et 5 Ecclesiae praecepta ... expositio*, 2 folio volumes, Valencia 1640; *Praxis sacramentorum*, in folio, there, 1646; *De iure parochi*, in 8vo, there, 1647.

Turrianus, Ludov. (Luis de Torres), S.J., Spanish (1552-1635), published several works regarding moral theology, for example *Disputationes in II-II S. Thomae*, 2 folio volumes, Lyons 1617; *Summa theologiae moralis*, in folio, there, 1634; *Disputationes de poenitentia*, 2 folio volumes, Madrid 1628.

U

Ulricus, Engelbertus de Argentina, O.P., German (d. ca. 1277), disciple of Blessed Albert the Great, left a *Summa theologica*, which Ioannes de Friburgo often used in the *Summa confessorum*, but which, alas, has not yet been printed.

V

Valentia, Gregor. de, S.J., Spanish (1549-1603). His principal work is *Commentarii theologici in totam Summam S. Thomae Aq.*, often edited, for example Lyons 1600, 4 folio volumes.

Van de Burgt, E. P., Dutch (d. 1883), wrote the distinguished treatise *De matrimonio*, 's-Hertogenbosch 1859, in 8vo. A new edition was prepared by Schaepman.

Van der Velden, Pius, O.Min., Belgian (d. 1857), wrote *Principia theologiae moralis theoretice et practice exposita.* This work, enriched with several annotations, was edited again by Fr. Piat, Capuchin, 3 volumes in 8vo, Paris 1875.

Vasquez, Gabriel, S.J., Spanish (1551-1604), wrote Commentaries on the Summa of St. Thomas, and moral little works *De eleemosyna*, *de scandalo*, *restitutione*, and so forth. More than once he defends singular and less safe opinions. All his works were edited at Lyons 1630-1631, 9 volumes, 10 tomes, in folio.

Vega, Andreas, O.Min., Spanish (d. 1560), wrote, besides other things, the work entitled *De iustificatione doctrina universa*, Venice 1548 and afterward often edited. He is a very learned author, but some of his opinions are less correct, especially concerning the necessity of supernatural faith.

Vermeersch, Arthur, S.J., Belgian, is a grave and fecund author, who published several works of solid doctrine, for example *Quaestiones de iustitia*, in 8vo, 2nd edition 1904, Bruges 1901; *De religiosis institutis et personis*, 4th edition, there, 1909, to which work periodic supplements are added; *De castitate et vitiis contrariis*, Rome 1919; *Theologiae moralis principia, responsa, consilia*, 2nd edition, Rome 1927.

Victoria (Vitoria), Franc. de, O.P., Spanish (1480-1546), is a very celebrated theologian, who wrote altogether distinguished works: *Relectiones theologiae*, in 8vo, Lyons 1537 and often afterward; *In II-II commentaria*, in 4to, Paris 1512. Several works of Franciscus de Victoria have not yet been printed. Cf. Ehrler in *Katholik* 1884, 508 sqq., and Getino in *La Ciencia Tomista* 1910, 1 sqq.

Vidal, Franc., O.P., see Wigandt.

Villada, Paul, S.J., Spanish, wrote *Casus conscientiae his praesertim temporibus accommodatos et resolutos*, 3 volumes in 8vo, Brussels 1884 sqq.

Villalobos, Henr. de, O.Min. (d. ca. 1637), wrote the often edited work *Suma de la teologia moral y canonica*, 2 folio tomes, Salamanca 1623.

Vincentius Bellovacensis, O.P., French (d. 1264). Under his name was printed *Speculum morale*, which nevertheless seems to be a compilation of another author. Cf. Quetif and Echard, *Scriptores Ord. Praed.* I, 213 sqq.

Vio, Thomas de (Cajetan), O.P., Italian, Cardinal (1469-1534), a man of most acute intellect and indefatigable labor, wrote, besides the very well-known Commentaries on the Theological Summa, *Peccatorum summula* in alphabetical order, in 8vo, Rome 1525 and several other times, and very many little works treating moral matters. In choosing opinions Cajetan is usually a very benign author, sometimes defending even false opinions.

Viva, Dominicus, S.J., Italian (1648-1726 [1710]), wrote a rather well-known work, *Damnatae theses ab Alexandro VII, Innocentio XI...*, 3 volumes in 4to, Naples 1708 and afterward often; all his theological-moral works with observations by Franciscus Zaccaria were published, 8 volumes in 8vo, Ferrara 1757.

Vlaming, Th. M., Dutch, wrote learned and clear *Praelectiones de iure matrimonii*, 2 volumes in 8vo, 3rd edition, Bussum 1919.

Vogler, Ios., S.J., German (d. 1708), wrote especially *De restitutione*, in 4to, Ingolstadt 1705; *Iuris cultor theologus circa obligationes restitutionis ... instructus*, in 8vo, there, 1733.

Vogt, Ios., German, wrote in a succinct style a truly distinguished work, *Das kirchliche Eherecht*, in 8vo, 3rd edition, Cologne 1910. Besides this he wrote *Kirchenvermogensrecht*, in 8vo, there, 1903.

W

Waffelaert, G. J., Belgian, bishop of Bruges, published several moral works full of solid doctrine and great learning, for example *Tractatus theologici de virtutibus cardinalibus*, 3 volumes in 8vo, Bruges 1885-1889; *Annotationes in tractatum de virtutibus theologicis*, in 8vo, there, 1900; *De la science sociale*, in 8vo, there, 1894; *Sur la malice du mensonge...*, in 8vo, there, 1884; *Sur l'obligation en conscience des lois civiles*, in 8vo, Tournai 1884.

Walsh, G. J., Irish, archbishop of Dublin, wrote the learned and solid work *De actibus humanis*, Dublin 1880.

Wernz, Franc. Xav., General of the Society of Jesus, German (d. 1914), wrote an altogether distinguished work and very useful also for moral theology, *Ius Decretalium*, 6 volumes in 8vo, Rome 1898 sqq. New editions are prepared by Vidal.

Wigandt, Martin, O.P., German (d. 1708), wrote the very well-known, useful, and clear work *Tribunal confessariorum et ordinandorum*, in 4to, Augsburg 1703; this work, very often edited, was afterward revised and enlarged by Franciscus Vidal, O.P., in folio, Venice 1754.

Wiggers, Ioan., Belgian, Professor at Louvain (1571-1639), wrote in a clear and brief style Commentaries on the whole Theological Summa of St. Thomas Aquinas.

Wirceburgenses are the theologians of the Society of Jesus so called: Thomas Holtzclau, Henr. Kilber, Ulr. Munier, Ign. Neubauer; they published a dogmatic and moral theology, 1766-1771. A new edition appeared at Paris 1879-1880 in 10 volumes. The moral part is found in volumes 5-10.

Wirthmuller, Ioan. Bapt., German (d. 1905), wrote, besides other things, *Uber das Sittengesetz*, Wurzburg 1878; *Die moralische Tugend der Religion*, Freiburg 1881. This last work is very commendable.

Y

Ysambert, Nicol., French (1642), a distinguished professor of the Sorbonne, wrote Commentaries on the Theological Summa of St. Thomas Aquinas, 6 folio volumes, Paris 1639.

Z

Zaccaria, Franc. Anton., S.J., Italian (1714-1795), is an author of indefatigable labor and perhaps too fecund, since, besides his works not yet edited, 161 printed works are enumerated. He also re-edited with annotations the works of other authors, for example Tamburini, Busenbaum, Lacroix, and Natalis Alexander. For moral theology, mention must be made of his dissertation *De casuisticae theologiae originibus, locis ac praestantia*. This dissertation, written at the request of St. Alphonsus, treats of the places of moral theology.

Zanardi, Mich., O.P., Italian (1570-1642), wrote, besides other things, *Directorium theologorum ac confessariorum*, 3 volumes in 8vo, Cremona and Venice 1612-1614. He seems to be an author too benign in moral matters.

Zaninetti, I. Steph., Italian, compiled with great learning *Theologia moralis seminariorum usui accommodata*, Novara 1908 sq.

Zenner, Fr. Xav., Austrian (d. 1861), wrote the brief and clear *Instructio practica confessarii*, 6th edition, Vienna 1867.

Zumel, Franc., O. de Merc., Spanish (d. ca. 1607), wrote for moral theology Commentaries on I-II of the Summa of St. Thomas Aquinas, 3 folio volumes, Salamanca 1595. Zumel is a faithful Thomist.

Introduction To Moral Theology

Literature. Franc. Zacharia, S.J., *Prolegomena de casuisticae theologiae originibus, locis atque praestantia*, which dissertation St. Alphonsus added to some earlier editions of his *Moral Theology*, but afterward omitted. Vinc. Patuzzi, O.Pr., *Prodromus ad universam morum theologiam* (ap. Migne, *Theol. curs.* tom. XI). Jos. Bouquillon, *Theol. moralis fundamentalis* (Bruges 1903, Beyaert). Noldin, S.J., *Sum. theol. mor. de principiis* (Innsbruck 1924, Rauch). Otto Schilling, *Lehrbuch der Moraltheologie* (Munich 1927, Huber).

In this introduction we shall treat: 1. of the notion and end of Moral Theology; 2. of its sources; 3. of its method; 4. of its history.

Chapter I. On The Notion And End Of Moral Theology

1. Nominal definition. If the name itself is considered, moral theology is nothing other than the theological consideration of morals, that is, of moral or human acts. Now human morals can be considered in many ways, which diverse ways, however, can be reduced to two more principal categories, namely, to the philosophical and theological consideration of them.

Philosophically human morals are considered if they are judged and directed by the guidance and light of natural reason alone toward the last natural end, that is, earthly beatitude. This is performed by the discipline which is commonly called Moral Philosophy or Ethics. St. Thomas Aquinas writes to the point:[1] "It belongs properly to moral philosophy ... to consider human operations, according as they are ordered to one another and to the end.... The subject[2] of moral philosophy is human operation ordered to an end, or also man, insofar as he is voluntarily acting on account of an end." - More briefly still it can be said: Ethics is the science of the licit and the illicit, or the science of the rules of human activity toward the last end.[3] A twofold principal office falls to moral philosophy: 1. by natural light to judge and indicate what is licit and what is illicit in human acts; 2. to command, by the authority of natural reason, what is to be done and what is to be omitted, after judgment has been passed concerning licitness or illicitness. Since this office embraces the whole free activity of man, it immediately follows that natural Ethics must cultivate a vast field of operations. Accordingly there are joined to it many subordinate sciences, for example, sociology, which considers human actions, namely obligations and rights, in order to human society; economic science (in the Aristotelian sense), which considers the rights and obligations of any domestic society or family; political science, which under a moral aspect considers the activity either of individuals or of communities in the governing of the state, etc.

Theologically human morals are considered if not only human reason is consulted and the natural end intended, but also if a) divinely revealed faith is established as the supreme rule, and b) the supernatural end, namely eternal beatitude or union with God in heaven, is intended. From what has been said it is plain why moral theology is very well described, according to the nominal definition, as the *theological consideration of morals*. For by it all human morals (whether good or evil) and all free acts (whether merits or demerits) are considered under the aspect of God, namely insofar as, divine revelation teaching, they lead to God or lead away from God. Wherefore the Angelic Doctor[4] very well, succinctly, and profoundly teaches: "All things are

treated in sacred doctrine [in Theology] under the aspect of God, either because they are God Himself, or because they have an order to God as to their principle and end. Whence it follows that God truly is the subject of this science." God is the principle, because His revelation is the first rule of morality; but He is the end, because the last end of all moral actions is conjunction with God in eternal beatitude. Hence true moral theology is necessarily theistic or theocentric, but not deistic nor autonomous in the Kantian sense.

Real definition. From what has been said concerning the nominal definition or explanation of Moral Theology, the way is now prepared for the real definition. **2** Among the ancients there is scarcely found a real definition of Moral Theology. But definitions given by moderns are not rarely obscure or incomplete. The following definition seems to be rather good: *Moral theology is that part of theological science which judges and directs human acts in order to the supernatural end according to revealed principles.*

It is said, **1°**: *it is part of theological science.* Theology is divided by moderns in many ways: dogmatic, mystical, ascetical, exegetical, patristic, symbolic, liturgical, catechetical, positive, speculative, scholastic, polemical theology, etc. The old doctors are not accustomed to speak of these divisions; indeed the Angelic Doctor[5] expressly teaches that Theology is one science, because it has only one formal object, which is God as principle and end. Nevertheless the same St. Thomas[6] admits that, notwithstanding the unity of Theology, it is speculative and practical; which, according to him in this place, signifies dogmatic and moral theology. - Whatever may be the case concerning the parts of Theology, Dogmatics and Morals are intimately joined and cannot be separated from each other. For Dogmatics must always carry the torch before Morals, and Morals is bound to judge and direct human operations conformably to the truths illumined by Dogmatics. Therefore dogmatic Theology also is practical, namely, illuminating reason. Yet because it is occupied principally with the divine mysteries (the divine attributes, the Trinity, Redemption, etc.), whereas Morals is occupied with human actions, hence Dogmatics and Morals are suitably distinguished from each other as speculative and practical science, and Morals can be called a part of Theology. - It was said pointedly and deliberately, "of theological science"; for Morals is a science properly so called, equally as Dogmatics is. For science is commonly defined: knowledge of things through causes. Now moral Theology does not set forth rules of acting nakedly and crudely, but draws them out from the highest principles and investigates their causes; nor moreover is it merely casuistry, but from true theoretical principles it is bound to solve individual practical cases.

It is said, **2°**: *which judges and directs human acts...* By these words the material object of this science is declared, which is human acts. But moral Theology is not a merely descriptive science of human acts, such as, for example, psychology is, but is a practical and normative science. For just as the cardinal virtue of prudence, so also moral Theology has a threefold act, and generally almost the same thing must be said of moral science as of the virtue of prudence, at least if moral Theology is considered as it is a habit existing in the mind. Now St. Thomas[7] teaches that the acts or functions of prudence are three: to take good counsel, to judge, and to command. Thus similarly the office of moral Theology is first to take good counsel, namely to inquire with great diligence concerning principles and concerning the connection of the conclusion with the principles. It is by no means sufficient (as not rarely was done by Moral Casuistry of an inferior stamp) to heap together the opinions of some authors and then to admit some opinion proposed by them as probable; rather it is altogether necessary always to recur to indubitable principles, so that it may appear whether some opinion is right or not. Such recourse having been employed, the second office of moral Theology is: to judge concerning the licitness or illicitness of acts. But it must not stop here; rather its further office is to command or prohibit human acts in particular, or to direct them to the last end according especially to the norm of divine law.

It is said, **3°**: *in order to the supernatural end*, to indicate the formal object or respect under which human acts (the material object) are considered. For whatever this science teaches must dispose toward obtaining the supernatural end better and more securely. For God, as He is the last end, is the proper object of moral Theology. Hence it appears why in the sacrament of penance, in which sinful man is joined anew (or more closely) with God, so fertile a field of labor is offered to moral Theology.

Since man cannot attain the supernatural end except by the exercise of virtues and the fulfillment of duties, hence moral Theology can also not unfittingly be defined: *the doctrine concerning Christian virtues and duties, which man must fulfill in order to attain the supernatural end.* But it is said: *must*, because it pertains not so much to moral Theology as to ascetical Theology to instruct concerning virtues to be exercised freely and in the most perfect degree.

Dignity and necessity of Moral Theology. As is clear from what has been said above, the principal end of Moral Theology is to direct human acts to the last end, or to meriting eternal life. **3** This end indeed is the highest. From this is plain both the dignity and the necessity of this discipline.[8] Moreover moral Theology is a wholly necessary means for fruitfully exercising the government of souls, which deservedly is called by St. Gregory "the art of arts."[9] For not all priests laboring for the salvation of souls need to be great orators, illustrious doctors, learned historians; nevertheless all must be well instructed in moral Theology. For how otherwise will they be able fruitfully to administer the sacrament of penance and to teach the Christian people the science of salvation? Accordingly the learned Mabillon[10] deservedly admonishes: "The study of Moral Theology is to be cultivated before the others; ... to this, as long as one lives, labor must altogether be given."

Corollary. On the relation of Moral Theology to allied sciences. From what has been said, it can easily be drawn out what relation Moral Theology has with other allied disciplines, and indeed:

4 1. With Ethics. In the present condition of things the whole human race has been elevated to the supernatural order; and accordingly every action ethically good or evil is also morally good or evil, that is, it has an order to the supernatural end. Wherefore there is not given something ethically evil (a so-called philosophical sin) which is not at the same time theologically evil.[11] Therefore, although Ethics and moral Theology are intimately connected and in no way opposed, nevertheless they differ in many things, namely: a) by reason of the breadth of the object: Ethics considers only natural practical truths, whereas moral Theology adds to these supernatural practical truths; b) by reason of the means of knowledge: Ethics knows all things through natural reason, but moral Theology also through supernatural faith; c) by reason of the end: Ethics considers man as a creature of God whom it directs to the natural end and happiness, whereas moral Theology considers man as a son of God and directs him to the supernatural end and happiness.

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[1] *Lect.* 1 in l. 1 *Ethic.*

[2] What the Angelic calls the subject of some science, modern authors are accustomed to call its object.

[3] Thus Bouquillon, *Theol. mor. fund.* n. 8.

[4] *S. theol.* I, q. 1, a. 7.

[5] Ibid., a. 3.

[6] Ibid., a. 7.

[7] *S. theol.* II-II, q. 47, a. 8.

[8] Cf. *S. theol.* I, q. 1, a. 5; Bouquillon, *Theol. mor. fund.* n. 20.

[9] *Regula past. officii* c. 1 (Migne, *Patr. lat.* 77, 14). In the strict sense moral Theology itself cannot be called an art, because the same thing under the same respect cannot be simultaneously science and art. Now moral Theology is a science properly so called, as was proved above, whose object is truth, namely the truth concerning the morality of human actions. But since moral Theology is so necessary for the art of the government of souls that that government is almost nothing other than the application of moral Theology, hence moral Theology itself is sometimes (but less properly) called "the art of arts."

[10] *De studiis monast.* part 3, c. 2.

[11] Cf. below, concerning the morality of human acts, n. 99 sqq.

2. With Dogmatics. The great theologians of old did not distinguish, that is, did not treat separately, Dogmatics and Morals, as was already said above. But if by the more moderns Morals is separated from Dogmatics, still Dogmatics must always remain its foundation and principle. For Dogmatics deduces from theological faith the conclusions to be believed, which conclusions to be believed Morals supposes and applies to the directing of human acts. Dogmatics therefore is as it were the root, while Morals is as it were the tree full of sweet fruits, which must draw its sap from the root, and which would at once wither if it were torn from the root; or Dogmatics is as it were the solid foundation, but Morals as it were a splendid palace built upon this foundation.

3. With Pastoral Theology, which is *instruction concerning the care of souls rightly to be exercised*, and which accordingly treats of the office of the pastor of souls. Pastoral Theology as a special discipline and distinct from the others was not in use before the eighteenth century; but now it is commonly a special discipline, which, upon moral Theology as upon a solid foundation, treats of those things which particularly concern the pastor of souls, and rightly instructs him in fruitfully performing his office.

4. With canon and civil law. Each of these bodies of law contains laws which (clothed with the due conditions) oblige in conscience. Wherefore moral Theology must attend to and rightly explain the moral obligations arising from ecclesiastical and civil laws.[12] But the juridical interpretation of those laws does not pertain to moral Theology, but to the disciplines of ecclesiastical or civil law.

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[12] Em. Card. D'Annibale rightly says: "To give no attention at all to law and to promise oneself as a moral theologian is to be foolish" (*Summula Theol. mor.* Proemium n. 16).

Chapter II. On The Sources Of Moral Theology

The *sources of existence*[14] of some science are called the places or storehouses from which it takes its arguments. Moral Theology does not have other sources than dogmatic Theology, namely Sacred Scripture, Tradition, the Holy Fathers, the decisions of the Roman Pontiffs, general Councils, the authority of theologians, and natural reason. Only a few things may be touched here which pertain more specially to Moral Theology.

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[14] Besides sources of existence, sources of knowledge are distinguished, that is, the means of knowing some science. The sources of knowledge of Moral Theology are divine revelation manifested to us through the magisterium of the Church and natural reason.

5. 1. On the use of Sacred Scripture in moral matters. Sacred Scripture, which indeed is nothing other than the written Word of God, or, as St. Augustine beautifully says,[15] "letters sent by God to men, which exhort us to live well," is the clearest source of Moral Theology. Whence St. Paul[16] teaches: "All scripture divinely inspired is useful for teaching, for reproving, for correcting, for instructing in justice, that the man of God may be perfect, instructed for every good work." - From these things it is plain that any priest studying

Moral Theology is bound frequently to read and search Sacred Scripture. Therefore in the *Corpus iuris*[17] it is held: "Ignorance, the mother of all vices, must especially be avoided in the priests of God, who have taken up the office of teaching among the peoples. For the Apostle Paul admonishes priests to read the Sacred Scriptures frequently.... Therefore let priests know the holy Scriptures and the canons, and let all their work consist in preaching and doctrine." Let St. Bonaventure[18] also be heard writing these things: "Since according to Blessed Gregory the government of souls is the art of arts, and since the wounds of thoughts are more hidden than those of the viscera, it is truly horrible to see certain priests of our time, who either through torpor neglect to read Sacred Scripture, in which the art of the aforesaid government is most sufficiently handed down, ... or through ignorance do not know it. And nevertheless they do not shamelessly fear to profess themselves physicians of the heart in hearing confessions." - Certainly neither is the so-called philological or critical study of the Bible among moderns required nor is it sufficient for Moral Theology. Far be it indeed from us to disparage anything of this sort of study, which, when corrected within just limits, certainly can be very useful; but for Moral Theology it is exceedingly dry and unfruitful, at least if it alone is had. On the contrary, a truly theological study of Sacred Scripture is required, in order to draw from it the living truths of faith and morals.

In the Old Testament ceremonial, judicial, and moral precepts are commonly distinguished.[19] Ceremonial precepts (for example, concerning circumcision, concerning sacrifices) no longer oblige, nor now can they licitly be observed in the New Law. Judicial precepts (for example, concerning the restoration of goods in the jubilee year, concerning usury, etc.) now no longer oblige, but can be prescribed anew by ecclesiastical or civil power, and this has sometimes been done; for example, certain impediments of marriage of the Old Testament have been sanctioned again by the Church. But moral precepts, for example, the precepts of the Decalogue, still remain in force, as being precepts of the natural law. - The things which are contained in the New Testament all remain in force and oblige; some indeed as precepts, for example, the reception of the Eucharist, but some as counsels, for example, the so-called evangelical counsels. By custom, however, the prohibition issued by the apostles (Acts 15:20) concerning not eating blood and what has been strangled has been taken away. Not a few places in Sacred Scripture need right interpretation concerning moral duties, for example, those things which are said there concerning the prohibition of an oath (Matt. 5:34), concerning communion under both species (Matt. 26:28), concerning divorce (Matt. 5:32), etc.

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[15] On Psalm 90 (Migne, *Patr. lat.* 37, 1159).

[16] 2 Tim. 3:16-17.

[17] Dist. 38, c. 1, from the Fourth Council of Toledo.

[18] In the Prologue of his *Confessional.*

[19] Cf. St. Thomas, *S. theol.* I-II, q. 99.

6. 2. On the use of Tradition in Moral Theology. "The sacred, ecumenical and general Synod of Trent,[20] ... following the examples of the orthodox Fathers, receives and venerates with an equal affection of piety and reverence all the books of both the Old and New Testament, since one God is the author of each, and also the Traditions themselves pertaining both to faith and to morals, as having been dictated either orally by Christ or by the Holy Spirit and preserved in continuous succession in the Catholic Church." Therefore Sacred Scripture is not the sole infallible rule both of faith and of morals, but Tradition preserved in continuous succession is such in an equal manner. In Moral Theology Tradition is especially to be attended to. For there are many things which become known to us only by Tradition (divine or apostolic or ecclesiastical), and oblige us, for example, the matter and form of confirmation, of orders, of extreme unction, etc. Tradition is manifested, if it

is lawful so to speak, through the life of the Church, namely by actions (for example, liturgical actions), signs and doctrines (for example, catechetical doctrines), admitted in the Church herself by universal custom, although all these things have not been explicitly declared by her infallible magisterium. But I say: admitted by *universal* custom. For a particular custom or the doctrine of some particular doctor, however great, is not an irrefragable witness of Tradition, and accordingly does not so strictly oblige. St. Thomas[21] teaches to the point: Theology uses "the authorities of other doctors of the Church as if arguing from proper sources, but probably," that is, the authority of one or of a few doctors asserting something, the others being silent, is of itself only probable. St. Augustine[22] expresses this very well: "Nor ought we to have the disputations of any men whatever, although catholic and praiseworthy men, as canonical Scriptures, so that it would not be lawful for us, with the honor due to those men preserved, to disapprove and reject something in their writings, if perhaps we have found that they thought otherwise than the truth has, understood by divine help either by others or by us. Such am I in the writings of others; such do I wish the understanders of my writings to be." Therefore neither the opinion of St. Augustine, nor of St. Thomas, nor of St. Alphonsus, if their authority alone is attended to, makes something morally certain and strictly obligatory in Moral Theology; nor is any theologian alone a sufficient witness of ecclesiastical Tradition. Nevertheless it would be a matter of great rashness to contradict such great doctors without a most efficacious reason.

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[20] Sess. 4, Decree concerning the canon of Scripture (Denz. n. 783).

[21] *S. theol.* I, q. 1, a. 8 ad 2.

[22] Ep. 148 to Fortunatianus n. 15 (Migne, *Patr. lat.* 33, 638).

7. The authority of St. Alphonsus. Certain things are here subjoined concerning the authority of St. Alphonsus de Ligorio, Doctor of the Church, in Moral Theology. Several times the Supreme Pontiffs and Roman Congregations have extolled the Moral Theology of this holy Doctor with the highest praises.[23] For the sake of brevity let us here weigh only the more principal points. In the first place comes the decree of the S.R.C. of 18 May 1803, concerning the revision and approbation of the works of Venerable Alphonsus in order to his beatification: "A full report having been made both of the aforesaid printed works and of all the other manuscripts, nothing worthy of censure was found in them." - Such or a similar decree is always required and given when there is question of the solemn beatification of some author who has published books. Whence from a decree of this sort no special commendation can be drawn out. This is also plain from the fact that this decree speaks not only of the Moral Theology of St. Alphonsus, but also of his other works. Now among the other works of this Saint are found some (for example, his doctrine concerning grace) which certainly have no special commendation of the Holy See. Generally Benedict XIV[24] teaches that "it can never be said that the doctrine of a servant of God has been approved by the Holy See, but at most that it can be said not to have been disapproved, if the revisers reported that nothing is found in his works which is opposed to the decrees of Urban VIII."

In the second place comes the response of the Sacred Penitentiary, given on 5 July 1831 to the Archbishop of Besancon, Rohan-Chabot. Two questions had been proposed: I. "Whether a professor of Sacred Theology can safely follow and profess the opinions which Blessed Alphonsus a Ligorio professes in his Moral Theology?" II. "Whether a confessor is to be disturbed who follows all the opinions of Blessed Alphonsus a Ligorio in the practice of the tribunal of Sacred Penance for this reason alone, that nothing worthy of censure was found by the Apostolic Holy See in his works?" The Sacred Penitentiary judged that the answer should be: To I: "Affirmatively, yet without it being judged from this that those are to be reprehended who follow opinions handed down by other approved authors." To II: "Negatively, regard being had to the mind of the Holy See

concerning the approbation of the writings of servants of God for the effect of canonization." This response was approved by Gregory XVI; but as Bouquillon[25] says: "It appears clearer than the midday light that this response is nothing other than the consequence and application of the preceding decree." For from it nothing else follows except that it is licit to follow the opinion of St. Alphonsus just as of any canonized author.

In the third place come other encomia bestowed by the Holy See upon the holy Doctor, for example: "Let him consult approved authors, especially St. Alphonsus de Ligorio, book VI, n. 321, and Benedict XIV, and conform himself to their opinions."[26] - "St. Alphonsus moreover elucidated obscure things and declared doubtful things, since amid the entangled opinions of theologians, whether laxer or more rigorous, he laid out a safe way"; thus Pius IX, Apostolic Letter concerning St. Alphonsus, Doctor of the Church. Pius X, in the letter given on 12 June 1905 to Leonard Gaude, calls St. Alphonsus the Doctor "whom all can safely follow in doctrines of morals" (at the beginning of vol. I of the new edition of the Moral Theology of St. Alphonsus). - Certainly also from these or similar words nothing else follows except that St. Alphonsus is a very approved author and that his doctrine, considered in its complex whole, is altogether eminent; but it does not also follow that the individual opinions of this holy Doctor are to be preferred to others or even that they are true. For, as regards his opinions touching canon law, not rarely have the Sacred Congregations not admitted them, for example, concerning a confessor hearing the confession of an accomplice but not absolving him,[27] concerning mixed marriages as probably permitted without dispensation of the Supreme Pontiff.[28] But even in some merely moral questions the opinion of St. Alphonsus is opposed by many theologians not without reason, for example, concerning a doer of damage excused from restitution, who burns the house of Caius instead of the house of Titius (*Theol. mor.* 3, n. 629). Since these things are so, we approve those things which Bouquillon[29] says: "These things seemed to have to be proposed sincerely, namely by the study of truth alone. For so great is the authority of St. Alphonsus that it is not necessary to increase it by gratuitous praise. But to us they seem to exceed the just limits of praise who deduce from the documents brought forward that St. Alphonsus is the greatest among the moralists, that he can be in the place of the others, since he read eight hundred, discussed them, etc.; that St. Alphonsus is of as much value in Morals as St. Thomas is in Dogmatics (as if the Angelic did not equally shine forth in each science); likewise those who conclude from the alleged approbations that all opinions of St. Alphonsus are altogether founded, eminent, probable, common; that it is scarcely possible that any opinion of St. Alphonsus lose its probability otherwise than by a judgment of the Holy See, etc."[30]

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[23] You may see these encomia in Marc, *Inst. moral.*, at the beginning of the work.

[24] *De beatif. et canoniz. Sanct.* book 2, c. 34, n. 12.

[25] *Theol. mor. fund.* n. 81.

[26] S.C.C. 29 Aug. 1860.

[27] Book 4, n. 556; cf. S. Poenit. 1 March 1878; S. Offic. 5 Dec. 1883.

[28] Book 6, n. 56; cf. S. Offic. 3 Jan. 1871.

[29] L. c. n. 85.

[30] c. 1366, § 2. Cf. Mausbach, *Die kath. Moral* I (1913); Koch, *Lehrb. der Moralth.* § 8; Pruner, *Lehrb. der Moralth.* 12, and others.

8. 3. On the use of reason in Moral Theology. Right reason is never employed too much in Moral Theology, provided that it is truly right reason. Indeed Moral Theology is a science which primarily rests upon revealed faith; but since between faith and right reason no true contradiction can ever arise - as the Vatican Council defined, and as can easily also be shown, since one and the same truthful and infallible God is the author both of faith and of reason - it follows that reason can inquire with all its powers concerning the

objects of Moral Theology. The best guide in this matter is St. Thomas Aquinas, who strives to explain even the highest mysteries of religion by reasons, insofar as this is possible. We shall try according to our powers to follow this Angelic Doctor as guide, and we shall indicate also the internal reason of almost all our assertions. For in this way knowledge will be more perfect and assent firmer. There is no reason for us expressly to note - for it is plain of itself - that we utterly repudiate the attempts of many moderns who wish moral science to be entirely independent from faith, and who patronize the so-called "voraussetzungslose Ethik," that is, an Ethics which is altogether independent from religion. For the end of moral science is to lead to the supernatural end, or to bind us again with God. Therefore moral science without religion is altogether impossible.

Scholion. On other sources of Moral Theology. Here we omit the question of how the decrees of the Supreme Pontiffs, of the Holy Roman Congregations, and Canon Law are sources for moral science. This matter will be treated better when the discussion is concerning the obligation of laws. For the present let this stand as a general rule: certain ecclesiastical laws introduce a moral obligation for Christians, that is, for those rightly baptized, and accordingly are sources of moral science.

Chapter III. On The Method To Be Employed In Moral Theology

9. By the method of Moral Theology is here understood the mode and form which is employed in handing on and learning moral science. Now a threefold method is commonly distinguished:

1. The scholastic or speculative method, which considers all moral truths more accurately and more profoundly, illustrates them, compares them among themselves and with others, proves and defends them against adversaries, yet without neglecting practice. Besides the great scholastics of the Middle Ages, St. Thomas and St. Antoninus, Cajetan above all, de Lugo, Suarez, Billuart, and others used this method.

2. The casuistic method, which gathers together very many particular cases, whether true or fictitious, and concerning them judges what is licit and what indeed is illicit (gravely or only lightly). Deeper doctrine is often not present. This method has been called by some, not ineptly: spiritual pathology, or even the science of sins (*Sundenlehre*), because it labors especially in discerning sins. Many so-called "Summists" of the Middle Ages used this method, and besides them: Diana[31] (who was called "Atlas of the casuistic world"), Escobar, Busembaum, and others (among moderns Berardi perhaps is to be numbered among the Casuists).

3. The ascetical (mystical) method, which above all considers the virtues and divine grace, and impels man toward Christian perfection in the threefold way, namely the purgative, illuminative, and unitive. St. Bernard, the Mellifluous Doctor, St. Bonaventure, the Seraphic Doctor, Thomas a Kempis, Henry Suso, O.Pr., Tauler, O.Pr., St. Francis de Sales, Scaramelli, S.J., Contenson, O.Pr., in his celebrated *Theologia mentis et cordis*, Valgornera, O.Pr., Ludovicus Blosius, O.S.B., Philip of the Most Holy Trinity, Order of Carmel, and many others used this method.

Certainly each of these methods is good and licit, nor has the Church prescribed any determinate method. But in order to discern which one is to be preferred, account must be taken both of the end and of the circumstances of times and places. The objective end of Moral Theology is to judge and direct human acts to the supernatural end. The subjective end is deservedly called that which each person intends in the study of Moral Theology. If someone chiefly intends to become a good confessor and to hear many confessions, then certainly he must cultivate the casuistic method; if someone intends to be a good preacher or instructor, he must cultivate the ascetical method; if someone intends to become a good apologist against the impugners of Catholic Moral Theology, or if he wishes to have a profound knowledge of moral truths, he must labor in the

scholastic method. Certainly the best method is that which is at once scholastic, casuistic, and ascetical, and for this reason certain authors (although rare) have attempted to unite these three methods; and the better, more simply, and more briefly this has truly been done, the more perfect the method is. I deliberately said: the more simply and briefly this has been done; for usually any more prolix method makes Manuals too extensive, which harm rather than profit the study of disciples. Since these things are so, I also shall try according to my powers to unite this threefold method, and indeed with as much simplicity and brevity as I shall be able.

[31] Cf. Concina, *Apparatus ad Theol. christ.* book 3, diss. 1, q. 2.

Chapter IV. On The History Of Moral Theology

It is to be regretted that in schools the history of Moral Theology is not treated equally with the history of Dogmas and the history of Philosophy. For knowledge of history would certainly produce a more perfect knowledge of Moral Theology itself. Let at least a brief and succinct historical conspectus of Moral Theology be offered here. For the sake of clarity we distinguish three periods, namely: the first down to the thirteenth century; the second down to the end of the Council of Trent; the third down to our own days.

§ 1. Moral Theology Down To The Thirteenth Century

10. In the first three centuries Moral Theology is not found handed down in a scholastic and systematic manner. Rather, the ascetical method is employed. The apostolic Fathers and the old writers, by their letters, sermons, and treatises, exhort the faithful to cultivate virtues and to avoid vices. But the most ancient writings which have come down to us treat rather of moral matters than of Dogmatics. The first place is held by the work which is called *Didache*, or "Doctrine of the Twelve Apostles," and which was more probably written by an unknown author at the end of the first century.[32] In this work, which is cited rather often by the Fathers (also under the title: *The Two Ways*, namely, the way of life and the way of death), a compendious Moral Theology is found: the commandment of the love of God and neighbor is inculcated; as graver sins are enumerated murder, fornication, adultery, idolatry, theft, and blasphemy; there is also discussion concerning duties toward the poor, the family, the Church, etc. Moral admonitions are likewise contained in the Epistle of Barnabas, in the first Epistle of St. Clement the Pope to the Corinthians, and in the work whose title is *The Shepherd of Hermas*.[33] - Clement of Alexandria in his books, which are entitled *Paedagogus* and *Stromata*, hands down an almost complete Christian ethics; in some matters, however, he spoke less rightly, for example, concerning original sin, liberty, and Greek philosophy; and for this reason he is not found in the Roman Martyrology.[34] - Tertullian in moral matters put forward opinions somewhat more rigid, for example, concerning spectacles, monogamy, the adornment of women, etc.; he did not sufficiently distinguish between counsels and precepts. Concerning the licitness of second marriages he erred. - St. Cyprian also gave excellent exhortations concerning virtues when discoursing on the habit of virgins, on work and alms, on the good of patience, on zeal and envy. His little book *De lapsis* is of great importance for Moral Theology, because there several times, and especially in chapter 29,[35] there is a clear testimony concerning the necessity of sacramental confession; for St. Cyprian writes: "Let each one confess his offense, I beseech you, most beloved brothers, while he who has sinned is still in this world, while his confession can be admitted, while satisfaction and remission made through priests is pleasing before the Lord." - Lactantius also wrote not a few things on Morals.

From the fourth down to the sixth century, moral works are published not only more numerous in number, but also deeper in doctrine. For the Holy Fathers not only admonished the Christian faithful to the exercise of virtues and to the flight from vices, but also had to defend Catholic doctrine against the attacks of adversaries. It is possible here to enumerate only the more principal authors.[36] Among the Greeks treating of morality there flourished the three so-called Cappadocians: St. Basil the Great,[37] St. Gregory of Nyssa,[38] and St. Gregory Nazianzen,[39] then St. Cyril,[40] St. John Chrysostom, and St. Ephrem.[41] Among the Latins, above the others, stand out: 1. St. Ambrose (+397), who, after the likeness of the ethics handed down by Cicero in the book *De officiis*, wrote a much higher Christian ethics in three books whose title is *De officiis ministrorum.*[42] 2. St. Augustine (+430), deservedly called "Doctor of grace"; who not only explained most rightly and most profoundly against the Pelagians the Catholic doctrine concerning grace and predestination, but also published many excellent treatises on moral matters, for example, *Enchiridion ad Laurentium*, or *On Faith, Hope, and Charity*; *On the Morals of the Catholic Church*; *On Lying*; *On Holy Virginity*; *On the Good of Marriage*, etc. His best-known work *De Civitate Dei* treats of the twofold love, namely of the love of God even to contempt of self, which builds the city of God, and of love of self, which leads even to contempt of God and builds the city of Babylon, that is, of earthly pleasure. St. Augustine, with all his powers, and indeed in all his works, preaches the charity of God. "From charity the spiritual life begins and with it grows. Charity begun is justice begun; charity advanced is justice advanced; great charity is great justice; perfect charity is perfect justice."[43] St. Augustine is deservedly called the father of all scientific Theology. For all later writers venerate him as the greatest authority, and indeed both in Moral Theology and in dogmatic Theology. 3. St. Gregory the Great (+604), in the 45 books of the *Moralia in Job*, gives a very extensive moral treatise. He explains the book of Job allegorically. Job is a type of Christ and of the Church; the wife designates carnal men; the three friends are the figure of heretics; Leviathan designates the devil. This work of St. Gregory, throughout the whole Middle Age, was the primary source from which ascetical writers drew their works. For priests having care of souls the same St. Gregory wrote the book of the pastoral rule, which not undeservedly has been called the first pastoral and casuistic Theology, and which the Synod of Mainz (806) prescribed to all for use.

For the study and practice of Moral Theology, the diverse collections of Canons and the "Penitential Books" were also of great importance; their ordinances indeed chiefly had force for the external forum, yet in some measure they served in the internal forum.[44] Books of this kind were published among the Greeks by John the Faster, Theodore the Studite, Nicephorus of Constantinople,[45] etc. John the Faster gives a complete method of questioning and absolving the penitent and, in addition, instructs what penances are to be imposed for diverse sins. Among the Latins, however, many authors wrote books of this kind, for example, St. Columbanus,[46] Egbert,[47] and Rabanus Maurus.[48]

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[32] Cf. Funk, *Patres apostolici* I, 2-37.

[33] Hermas lived around the year 140.

[34] Cf. Benedict XIV, Const. "Postquam intelleximus" n. 19-36, dated 1 July 1748. Several wrote special dissertations on the ethics or morality of Clement of Alexandria, for example, Winter, *Die Ethik des Clemens von Alexandrien*; Ernesti (same title); Capitaine, *Die Moral des Clemens von Alexandrien* (1903).

[35] Migne, *Patr. lat.* 4, 503.

[36] You may see a more perfect enumeration, although not an adequate one, in Bouquillon, *Theol. mor. fund.* n. 130 sqq.

[37] *Ethica*, canonical epistles.

[38] *De perfectione*, *De virginitate.*

[39] Poems, orations.

[40] Catecheses.

[41] Orations and hymns.

[42] Cf. Bittner, *Commentatio de Ciceronianis et Ambrosianis offic. libris*, Braunsberg in Prussia, 1849.

[43] *De natura et gratia* (Migne, *Patr. lat.* 44, 290).

[44] Cf. Sagmuller, *Kirchenrecht* I, § 37; Schmitz, *Die Bussbucher und die Bussdisziplin der Kirche* (Mainz 1883).

[45] Migne, *Patr. graec.* 88, 1889-1918; 99, 1721-1734.

[46] Migne, *Patr. lat.* 80, 228-230.

[47] Ibid. 89, 401-436.

[48] Ibid. 102, 1334-1424.

§ 2. Moral Theology From The Year 1200 Down To The Year 1564

11. Already before the year 1200 certain attempts at an entire theological system (namely, dogmatic and moral) appear. These works are commonly inscribed: books of sentences, summas. The matter to be treated appears distributed in nearly the same way in all of them and more or less follows the order of the Apostles' Creed. Namely, God is considered in His nature and in His works, especially those saving works with respect to the human race. Works of this sort were published, for example, by St. Isidore of Seville (+636),[49] Hugh of St. Victor (+1141),[50] and the celebrated Peter Lombard. His work indeed (*The Four Books of Sentences*), although it is not perfect in every respect, indeed not free from errors, was held as classic for several centuries and was explained by innumerable commentaries. Peter Lombard (+1164), concerning whose life few things are certainly known, on account of his work was commonly called by all the ancients "Master of the Sentences."

The thirteenth century, as of architectural art, so also of the sciences, is the golden age. For in this happy century the most famous and most splendid cathedral churches of Gothic style began to be built, for example, at Paris, Reims, Cologne, London, etc. In this century Aristotelian philosophy led the greatest triumphs in the universities of Paris, Naples, and Bologna; in this century canon law was greatly cultivated by the authentic collections of Gregory IX and Boniface VIII; in this century universal Theology obtained certainly most noble masters, for example, Blessed Albert the Great, Alexander of Hales, St. Thomas Aquinas, St. Bonaventure, and others. It would be long to enumerate all the works of these authors. Among all, however, Thomas Aquinas (+1274) is easily the prince; he gathered into one the doctrines of the old doctors (especially of St. Augustine), scattered as it were like the members of some body, arranged them in wonderful order, and increased them with great increments. He did not separate Dogmatics from Morals. In his *Summa theologica* he first treats of God, and indeed as He is in Himself and as He is the principle of all things. Then he treats of the motion of the rational creature into God; and this is the moral part, which is truly golden and cannot be sufficiently commended both to confessors and to preachers. The third part treats of the Incarnation of Christ and of the sacraments as of the way of arriving at God. St. Thomas employs in his Morals the scholastic-speculative method; he speaks sparingly of casuistry and of asceticism. St. Bonaventure, the Seraphic Doctor, coeval and friend of St. Thomas, in many works explained the doctrines of morals with no less learning and depth than piety and unction, so that he both teaches and moves the reader. Worthy of mention also is Guillelmus Peraldus (Peraltus), O.Pr., coeval with St. Thomas, who wrote a wholly distinguished work on virtues and vices, which in the fifteenth century was very often edited. - St. Raymond de Pennafort, O.Pr. (+1275), was the first at that time to cultivate casuistic Theology, writing a little Summa for confessors shortly after, by order of Gregory IX, he arranged the Collection of Decretals. This Raymundian little Summa indeed was very widely

spread because of its practical usefulness, and was illustrated and enlarged with commentaries by William of Rennes and by John of Freiburg, O.Pr. Many authors, following the example of St. Raymond, composed little Summas of Moral Theology or treatises on the manner of confessing; such are, for example, the *Summa Monaldina*, *Summa Astesana*, *Summa Pisanella*, *Summa Angelica*, *Summa Rosella*, *Summa summarum* (which is called Silvestrina from Sylvester Prierias, O.Pr., +1523, and which was edited more than 41 times), St. John Capistran's *Instruction or Direction of Simple Confessors*, and Savonarola's *Manual of Confessions*. - Among the moralists flourishing after the thirteenth century, St. Antoninus, O.Pr., +1495, Archbishop of Florence, acquired great authority and celebrity through his *Theological Summa*. - The mystical method also flourished in this epoch. Mystical works were published by Master Eckhart, O.Pr. (+1327), John Tauler, O.Pr. (+1361), Blessed Henry Suso, O.Pr. (+1365), John Gerson (+1429), Thomas a Kempis (+1471), and others.

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[49] *Sententiarum libri tres*, in Migne, *Patr. lat.* 83, 537 sqq.

[50] *Summa sententiarum*, Migne, *Patr. lat.* t. 176. Denifle (*Archiv f. Lit. u. Kirchengesch.* III, 634 sqq.) thinks that this work is not to be ascribed to Hugh.

§ 3. Moral Theology From The Council Of Trent Down To Our Own Times

12. The Council of Trent had a most salutary influence upon the whole Christian life. Not only were the truths of faith explained more clearly by it, but moral and ecclesiastical precepts also were more intensely commended. The *Books of Sentences* of Peter Lombard were gradually removed from the schools, and in place of them almost exclusively the *Summa theologica* of St. Thomas was explained and enlarged by subtle commentaries. As it were the standard-bearer of this epoch is Cardinal Thomas de Vio, O.Pr., who not only composed most profound commentaries on the theological *Summa* of Aquinas, but also wrote for confessors the *Summula peccatorum*, arranged in alphabetical order; this little Summa, although it is of rather small bulk, nevertheless offers an adequate Casuistry altogether sufficient for those times, indeed not rarely in very few words touches the profound reason of the solution of cases.

From the Order of Preachers, besides Cajetan, celebrated moralists flourished from the time of the Council of Trent: Francis de Victoria (+1546);[51] Bartholomew de Medina (+1581),[52] who is held as the father of moderate Probabilism; Dominic Soto (+1560);[53] Peter Soto (+1563);[54] Bartholomew de Ledesma (+1604);[55] John of St. Thomas (+1644), who published excellent dissertations on the theological *Summa*; Vincentius Candidus (+1654), who wrote *Disquisitiones morales*; John Baptist Gonet (+1681), distinguished in keenness of intellect, but in some way inclined toward the more rigid opinions;[56] Natalis Alexander (+1724), outstanding in knowledge and learning, but likewise somewhat rigid, who published a dogmatic and moral Theology; Drouven (+1742), who wrote the very learned work *De re sacramentaria*, which was edited several times and rather extensively copied out by some authors; Charles Rene Billuart (+1757), equally celebrated in dogmatic Theology and in moral, who with wonderful dexterity joins in Moral Theology the scholastic method with the casuistic, so that his works, although of rather great bulk, have been edited very often down to our own days, and he himself by full right is deservedly counted among the best moralists; Wigandt (+1708);[57] Daniel Concina (+1756) and Vincentius Patuzzi (+1769), who with great vehemence attacked laxer Probabilism and thereby brought it about that St. Alphonsus in the later editions of his Moral Theology reformed some questions and more and more left pure Probabilism;[58] Fulgentius Cuniliati (+1759), who wrote a good casuistic Moral Theology, which within twenty years obtained 12 editions. - In the Spanish language the best manuals of Moral Theology were published by Larraga (*Prontuario de Teologia moral*, a work very often edited, even

after the death of the author, for example, by Juan Sanches, Madrid 1919), and Moran (*Teologia moral*, Madrid 1883). In the Italian language Faustinus Scarpazza published a solid work: *Teologia morale*, Palermo 1843.

From the Order of Carmelites there came forth the very celebrated both *Cursus theologicus* and *Cursus theologiae moralis Salmanticensis* (1665-1724), clearly and neatly elaborated by several authors; they are commonly cited briefly as the "Salmanticenses." They not rarely embrace opinions somewhat more benign. Antonius a Spiritu Sancto wrote *Directorium confessariorum*, 2 volumes in folio, and *Consulta varia*, 3 volumes in folio; Angelus a S. Maria published *Breviarium morale Carmelitarum*, 5 volumes in folio.

In the Order of St. Francis many very celebrated Moralists flourished from the time of the Council of Trent, for example, Peter Marchant (+1661); Bartholomew Mastrius (+1673); Sporer (+1683);[59] Anacletus Reiffenstuel (+1703), who indeed not only is deservedly numbered among the best canonists, but also wrote a clear and solid Moral Theology; Francis Henno, who wrote a very subtle dogmatic and moral Theology, and especially Benjamin Elbel (+1756), who wrote Moral Theology by way of conferences,[60] which work is deservedly numbered among the best books that have ever been written on this matter; Guillelmus Herinckx (+1677);[61] Francis Bordonus (+1671);[62] Corbinianus Luydl (+1778);[63] Reinerius Sasserath (+1771), who wrote *Cursus Theologiae moralis adnexis casibus practicis*, a work rather often edited and very clear; Pius van der Velden (+1857), who wrote *Principia theologiae moralis theoretice et practice exposita*, which work Piat the Capuchin edited again and illustrated with excellent notes; Hilarius a Sexten (Gatterer; +1899), who wrote *Compendium theologiae moralis juxta probatissimos auctores.*

From the Society of Jesus very many and very illustrious authors wrote on Moral Theology; we cannot bring forward all of them here. Among the others we name Suarez, Azor, Castropalaus, Laymann, Escobar, Busembaum, Lacroix, Reuter, Lugo, Gury, Lehmkuhl, Ballerini, Bucceroni, Genicot, Noldin, Ferreres, Sabetti, Ojetti, Slater, Arregui, Vermeersch, Ubach.

From the Order of St. Benedict, Babenstuber published an excellent work: *Ethica supernaturalis seu cursus Theologiae moralis Salisburgensis*, 2 volumes in folio.

From the Cistercian Order, John Caramuel de Lobkowitz (+1682) is worthy of mention; he is called by St. Alphonsus "the prince of laxists." He was a man of plainly marvelous genius and trained in absolutely all disciplines; he knew 24 languages; he wrote 77 volumes in folio. Someone said of him: "Caramuel has intelligence as eight, eloquence as five, judgment as two." Nevertheless his moral works are of little usefulness and contain some condemned propositions.[64]

From the Congregation of the Most Holy Redeemer, as prince of modern moralists, came forth St. Alphonsus de Ligorio, Doctor of the Church, founder of the Congregation of the Most Holy Redeemer and bishop of St. Agatha of the Goths (1696-1787). He wrote many works, including ascetical ones. But his moral works are very well known to all: *Theologia moralis*, *Homo apostolicus* (*Praxis confessarii*), and *Examen Ordinandorum*. Among the younger interpreters of St. Alphonsus are counted A. Konings, Clem. Marc, Ios. Aertnys, Franc. Ter Haar, I. B. Raus, C. A. Damen, all of whom wrote very useful and solid works of Moral Theology.

From the times of St. Alphonsus almost innumerable authors have written on Moral Theology, whether on the whole of it or on some part of it. Besides those whom we cited above from the diverse religious Orders, worthy of mention from the secular clergy are Ios. Carriere, Scavini, Ernest Muller, Ios. d'Annibale, Thomas Bouquillon, F. Haine, Aemilius Berardi, Simar, Linsenmann, Pruner, Koch, Mausbach, Gopfert, Schindler, Schilling, Delama, Gennari, Tanquerey, Constantini, Piscetta, etc.

[51] *Relectiones theologiae*. This work has been edited several times. An edition better than the others appeared at Ingolstadt in 1580. Several works of Francis de Victoria have not yet been printed. Cf. Ehrle in *Katholik* 1884 II, 505 sqq.

[52] Commentaries on the *Summa theologiae* of St. Thomas.

[53] *De iustitia et iure*, and other very good works.

[54] A classic work on the institution of priests.

[55] *Summa casuum conscientiae*.

[56] *Clypeus Thomisticus*.

[57] *Tribunal confessariorum*, very often edited.

[58] Concerning the moral system of St. Alphonsus, see Aertnys-Damen, *Theol. mor.* book 1, n. 85 sqq.

[59] Newly edited with additions by Irenaeus Bierbaum.

[60] Edited several times even in our times by Irenaeus Bierbaum.

[61] *Summa theol. schol. et mor.*, 4 volumes in folio.

[62] All his juridico-regular and moral works were collected in 6 volumes in folio (Lyons 1665).

[63] *Theologia moralis christiana et evangelica*, 20 tomes in 12mo.

[64] Cf. Hurter, *Nomenclator litt.* IV, 604 sqq.

13. Conclusion. From this brief historical conspectus it is permitted to infer that Moral Theology had, in the three periods, four epochs of great flourishing, which are: the first, the patristic epoch, in the time of St. Augustine down to Gregory the Great; the second, the scholastic epoch, in the thirteenth century, when St. Thomas wrote his immortal *Summa theologica* and Raymond de Pennafort his little Summa for confessors; the third epoch began immediately after the Council of Trent, when authors of diverse religious Orders cultivated the whole of Theology almost in rivalry; the fourth epoch began in the time of St. Alphonsus and lasts down to our own days. Certainly, indeed, from the year 1800 to 1860, as almost the whole scientific life languished, so neither then were there great works of Moral Theology. But now for fifty years the study of Moral Theology has flourished in the Catholic world. Especially in these most recent years Moral Theology has obtained vigorous defenders against malicious attacks; moreover, strong attempts have been made to hand down this discipline in a more scientific manner.

Division Of The Whole Treatise Of Moral Theology

14. The treatise of Moral Theology is conveniently divided by considering separately the individual parts of the definition given: Moral Theology is that part of theological science which judges and directs human acts in order to the supernatural end. Therefore the office of Moral Theology is twofold: 1. to judge, that is, perfectly to know human acts, not indeed as they are in the psychological order, but as in the moral order they are ordered to the supernatural end; 2. to direct those acts to the supernatural end. And therefore the whole of Moral Theology is also conveniently divided into two parts, namely: the first part, concerning all things which pertain to this perfect knowledge of human acts; the second part, concerning the proximate means for attaining the supernatural end. These means indeed, in the present state of things, are sanctifying grace and actual grace, which are chiefly conferred or increased for us in the sacraments of the New Law. - To the perfect knowledge of human acts there belongs above all the knowledge of the last end, from which acts receive morality and on account of which all our acts are done. Then the human acts themselves are to be considered, insofar as they serve for obtaining this end. The morality of human acts is measured by a twofold

rule: one remote and objective, namely law (eternal law); the other proximate and subjective, namely conscience. Whence, after the treatise on human acts, one must first treat of laws and then of conscience. The causes of human acts are habits, whether good or evil. Whence consequently one must treat of good habits or virtues, and of evil habits or vices; and indeed first in general and then in species. And thus the first part of Moral Theology is ended. - The other part will be, as was already said above, concerning the proximate means[65] without which it is impossible to arrive at the supernatural end, that is, concerning grace, which is conferred upon us in the sacraments. Therefore one must treat of the sacraments in general and in species.

To one looking carefully it appears that this division of the matter almost agrees with the division of the *Summa theologica* of St. Thomas. There is, however, this difference: St. Thomas treats of the sacraments in Dogmatics; we, on the contrary, in Morals, because the administration of the sacraments pertains so much to the daily practice of the priest that Moral Theology, if it did not instruct perfectly concerning this practice, would be altogether maimed.

Therefore the division of the whole of Moral Theology is contained in the following brief conspectus.

Part I

1. On the last end and beatitude.
2. On human acts; there is subjoined a treatise on the passions, insofar as they influence human acts.
3. On laws.
4. On conscience.
5. On sins in general.
6. On virtues in general.
7. On faith and the opposed vices.
8. On hope and the opposed vices.
9. On charity and the opposed vices.
10. On prudence and the opposed vices.
11. On justice and the opposed vices. - There is added a treatise on contracts.
12. On fortitude and the opposed vices.
13. On temperance and the opposed vices.

Part II

1. On the sacraments in general and on sacramentals.
2. On baptism.
3. On confirmation.
4. On the Eucharist.
5. On penance, where there is added a treatise on censures and indulgences.
6. On extreme unction.

7. On order.

8. On marriage.

[65] Besides the proximate means of salvation, namely grace, there also exist remote means, whether natural, for example, the intellective powers, created things, human society, etc., or supernatural, for example, the Church, revelation, etc.

Part I

Treatise I. On The Last End Of Man

Cf. St. Thomas, *S. theol.* I-II, q. 1-6; *Contra gent.* 3, 1 sqq.; Billuart, *Sum. S. Thomae*, treatise on the last end; L. Lehu, *Phil. mor.* I, *De fine ultimo*; V. Cathrein, *Moralphil.* I, *Von der Bestimmung des Menschen.*

Preliminary note. Already the old pagan philosophers admonished: "Whatever you do, do prudently and look to the end." The Psalmist teaches us to pray: "Make known to me, O Lord, my end,"[1] and on the contrary rebukes those who turn aside from their proper end: "They have all turned aside, they have together become unprofitable."[2] In the New Testament the end of human life is called the one necessary thing. "Martha, Martha, thou art anxious and troubled about many things. But one thing is necessary."[3] Hence it is plain of how great importance a living knowledge of the true end of human life is. Hence also it is easily understood why men of all times have proposed to themselves the questions: Whence have I come? and whither am I going? The old pagans thought that they were going to Elysium; modern rationalists not rarely confess that they are ignorant of the end of human life. Whence Du Bois-Reymond said concerning it: *Ignoramus et ignorabimus.* - Before St. Thomas, in the moral part of the theological *Summa*, treats of human acts, that is, of the material object of Moral Theology, he first treats of the last end and of beatitude. In a similar way, also in the so-called spiritual Exercises, the beginning of the meditations is commonly taken from consideration of the last end; and in catechisms used in schools the first question is commonly put: "What is the end of human life? or for what are you on earth?" From all these things it appears most clearly that a brief dissertation on the last end is most conveniently placed at the beginning of Moral Theology. Certain notions must be set forth first.

[1] Ps. 38:5.

[2] Ps. 13:3.

[3] Luke 10:41-42.

15. Definition of end. End "is that for the sake of which something is done,"[4] or "that on account of which an agent operates." But it is called end because, once it has been obtained, the operation is ended or ceases, and the one operating rests; for example, the end of the physician operating is the health of the sick person to be effected; for the sake of recovering health the physician prescribes medicine, makes incisions, etc.; but when health has been recovered the action of the physician ceases. Accordingly end can be considered in two ways: 1. as the principle of willing (end in intention): in order to procure health the physician begins to labor; 2. as the term of action (end in execution): once health has been obtained the physician ceases to labor. Wherefore St. Thomas briefly says: "the end is compared to the act as principle or term."[5]

Divisions. Several divisions being passed over (which you may see in Billuart[6]), the following divisions seem to be noted for our purpose:

[4] Aristotle, *Ethic. Eudem.* book 3, c. 11: "The end is that for the sake of which [something is done]."

[5] *S. theol.* I-II, q. 1, a. 3 ad 1.

[6] Treatise on the last end, diss. 1, a. 1.

16. a) The end of the work, or intrinsic and objective end, and the end of the one operating, or extrinsic and subjective end. The *end of the work* is that to which the work or action directly and immediately tends from its nature, whether it is done by this agent or by another; for example, the giving of

alms tends from its nature to relieving the necessity of the neighbor. Therefore the necessity of the neighbor to be relieved is the end of the work or the objective end of almsgiving.[7] - The *end of the one operating* is that which the agent intends by operating, whether principally or secondarily. The end of the one operating can indeed coincide with the end of the work, as if one giving alms explicitly intends the assistance of the poor person; but it can also altogether disagree with the end of the work, for example, if one giving alms were to intend vain glory or the seduction of the poor person.[8] The end of the one operating is materially the same as the moral motive of the action.

[7] The end of the work is the same as the moral object of the action. This indeed must be noted especially in the indirectly voluntary. Cf. below n. 57.

[8] Cf. *S. theol.* II-II, q. 141, a. 6 ad 1.

17. b) Principal or primary end, and secondary or less principal end. This division is rather a subdivision of the end of the one operating (although it can also have place in the end of the work), and is of great importance in discerning the morality of acts. The principal end is that which is intended chiefly and principally, and which before the others impels the agent to acting. The secondary end is that which is joined with some principal end and for this reason is not intended by reason of itself alone, nor by itself alone moves the agent to acting. For example, the principal end of a priest saying Mass ought to be to worship God; his secondary end can be: to receive a stipend or alms for the application of the Mass. Or another example: the principal end (at least implicit) of a Christian ought to be, in any action, the glory of God; but the secondary end can be any honorable good.

18. c) Last end and intermediate end. The simply last end (*Endzweck*) is that which is so desired that it is referred to no other; on the contrary, all other things are referred to it. The intermediate end (which is also sometimes called proximate) is that which is indeed desired by reason of itself, but nevertheless with relation and dependence upon the last end.[9]

Note 1. The principal end can at the same time be last, but it is not always necessary that it be so. Thus the principal end of him who, existing in sanctifying grace, knowingly commits a venial sin is some created good loved inordinately; but the last end of this sinner remains God. Let there be an example: a just man, who knowingly tells a small lie because he is placed in some difficulty, has in this act as principal end liberation from the difficulty; but nevertheless he does not wish to be turned away from God as his last end.

[9] Cf. *S. theol.* I-II, q. 1, a. 3 ad 3, where the Angelic very wisely teaches "that the same act in number, insofar as it once proceeds from the agent, is not ordered except to one proximate end, from which it has its species." - Some theologians undeservedly affirm that an intermediate end is not truly and properly an end, but only a means for obtaining the true end. Cf. Billuart, *De ult. fine* a. 1.

19. Note 2. End and good are the same materially, because the will cannot be moved or enticed except by good (true or apparent); or in other words: all acts which are produced by the human will are on account of some end or on account of some good to be obtained. Hence even the suicide, who intends his own annihilation, intends together with that end some good (indeed in reality a false one), namely liberation from the evils pressing upon him. Therefore no one can will evil as evil; but if he knowingly intends evil, nevertheless he wills it under the aspect of good. For this reason the scholastics said briefly indeed but most truly: "Evil is not desirable"; and the Angelic Doctor writes very well to the point:[10] "It is impossible that any evil, insofar as it is such, be desired, either by natural appetite, or by animal appetite, or by intellectual appetite, which is the will." - But it was deliberately said that good is the end of acts which are produced *by the will*. For there are some acts produced by man, but not by his will, for example, the acts so-called "first-first,"

which happen suddenly and before deliberate will, as when someone, unexpectedly struck by pain, suddenly cries out. Acts of this kind are commonly called acts of man, but not human acts. Even those acts are done materially on account of good and end, but not on account of good and end known.[11] - Although end and good materially agree, nevertheless they differ formally, or the concept of good differs from the concept of end. For good is conceived as something suitable to appetite, but end as something to be obtained by means employed.

Proposition 1

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[10] *S. theol.* I, q. 19, a. 9.

[11] Cf. below n. 26 sqq.

20. God is the last end of man and of his acts, so that man is bound to tend toward God and to glorify Him.

Proof. We presuppose, both from sound philosophy and from Catholic faith, that a personal God, infinitely perfect, exists, and that He freely created the world and man. These things having been presupposed, the stated proposition can easily be proved. For man and every creature must tend toward that last end which God wished to obtain by creating; otherwise God would not be the supreme and omnipotent Lord of creation. Now the end which God proposed to Himself in creating cannot be something outside Himself, but He Himself is His own end. For every end placed outside the one operating is intended as some good not yet possessed. Therefore the one operating would intend something foreign, if he already had that thing in himself? - Therefore God, in all His operations and accordingly also in the creation of man, cannot intend something outside Himself, because He is infinitely perfect, containing all goods in Himself. "The Lord has wrought all things for Himself."[12] It follows therefore that God Himself, that is, the manifestation of His glory, is the end of the creation of man and of the whole world; and accordingly all creatures ought to intend the glory of God as the last end. Hence St. Thomas says: "The whole universe with its individual parts is ordered to God as to an end, insofar as in them, by a certain imitation, the divine goodness is represented unto the glory of God."[13]

Irrational creatures intend this end by a coerced necessity; for they are as it were vestiges of the divinity,[14] and the perfections and beauties shining in them necessarily manifest the majesty of God the Creator. Whence the Psalmist[15] exclaims: "The heavens declare the glory of God, and the firmament announces the works of His hands." But rational creatures, such as man and angel, are bound to glorify God freely; for they are not only vestiges but also images of the divinity,[16] and they are endowed with free choice. Rational creatures ought to glorify God insofar as they willingly acknowledge His majesty with subjection and praise, and venerate and love Him. Certainly this glorification offered to God by creatures does not increase His beatitude, for the Psalmist[17] says: "Thou art my God, since Thou hast no need of my goods." For God is infinitely perfect and infinitely blessed. Therefore the Vatican Council[18] deservedly teaches that "God, by His goodness and omnipotent power, not for increasing His beatitude, nor for acquiring it, but for manifesting His perfection through the goods which He imparts to creatures, by a most free counsel, together from the beginning of time created each creature out of nothing"; and it pronounces anathema upon him who should deny that the world was created for the glory of God. But since man is immortal, he must also glorify God in the other life; and this indeed is done by the damned through the manifestation of divine justice and omnipotence, but by the just who are blessed through the manifestation of divine mercy and goodness. Throughout all eternity the blessed will glorify God through intimate union with Him. Therefore God, just as He is the principle, so also is the last end of man; or, as it is said metaphorically, God is A and Ω.

Man is bound to glorify God by all his acts, by serving and obeying Him and by loving and venerating Him. I say: by all his acts. Therefore if he should fail to do this even by one deliberate act, he sins. In this sense the Apostle St. Paul[19] admonishes: "Therefore whether you eat or drink, or do anything else, do all things unto the glory of God." - It is not required, however, that man in all his acts explicitly and expressly intend the glory of God; but it suffices that he at some time elicit an act of charity, and that his remaining acts be virtually ordered to the last end, or God. But if man elicits acts which cannot be referred to the last end, he sins; and indeed gravely, if acts of this kind are altogether opposed to the last end, or God; but venially, if in the elicited acts there is not aversion, but only some deflection from the last end on account of an inordinate affection for a temporal good.

Proposition 2

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[12] Prov. 16:4.

[13] *S. theol.* I, q. 65, a. 2.

[14] Job 11:7; *S. theol.* I, q. 93, a. 2.

[15] Ps. 18:2.

[16] Gen. 1:26 sq.; *S. theol.* I, q. 93, a. 1 sqq.

[17] Ps. 15:2.

[18] Const. "Dei Filius" cap. 1, can. 5.

[19] 1 Cor. 10:31.

21. a) In the attainment of this last end consists human beatitude; b) and the more perfect the attainment is, the greater the beatitude is; c) but in no other thing does true beatitude of man exist or can it exist.

Preliminary note. Before the proof of this assertion, there must be recalled to mind a fact confirmed by daily experience: that there is in man an innate desire for beatitude.[20] All, as many as there are in the world, wish to be happy, and no one wishes to be unhappy and miserable. But since this desire is innate, it is also natural and necessary, so that man cannot cast it out. Thus all teach, beginning from Aristotle and Plato down to our contemporaries. Indeed the pessimist Schopenhauer[21] admits this. But a natural desire cannot be vain;[22] and therefore something must exist which can truly satisfy this desire. Otherwise the author of nature would have acted irrationally, indeed even cruelly. - Beatitude is commonly distinguished as objective and formal; objective beatitude is the beatifying thing itself, but formal beatitude is the use or enjoyment of that beatifying thing. Thus, for example, the objective beatitude of the miser is riches, but formal beatitude is the enjoyment of riches. Yet this distinction of objective and formal beatitude does not designate two distinct beatitudes, but two formalities or two integral parts of the same beatitude. For man is not happy from the thing alone, but from the enjoyment of the thing. We treat at the same time of the objective and formal beatitude of man. These things having been noted beforehand, the first part of the proposition is proved.

Proof. a) Beatitude is conveniently defined: the stable, that is, interminable possession of the perfect good which totally quiets our desire.[23] But a possession of this kind is had in the attainment of the last end. Therefore in the attainment of the last end consists human beatitude. The major is explained: for perfect beatitude there is required stable or interminable possession of good; for if the beloved good is lost, indeed if it can be lost, beatitude is no longer present; for a lost good or fear of losing the good stands in the way of perfect beatitude. Moreover there is required possession of a good perfect in every respect, which totally

quiets desire. For if the good possessed is imperfect and does not totally quiet desire, beatitude necessarily remains imperfect. The reason is that unsatisfied desire causes unhappiness. Wherefore briefly and yet adequately St. Thomas[24] describes beatitude: "Nothing else is understood under the name of beatitude except the perfect good of an intellectual creature, to whom it belongs to know his sufficiency in the good which he has." - The minor of the syllogism is plain from the first proposition, which asserted that God is the last end of man. That God is a good altogether perfect is plain of itself. But there is no reason why God should wish again to dissolve the union of the creature with Himself once had. Therefore this union will be interminable or eternal, and in union with God, the infinite good, human desire is satisfied in the most perfect way,[25] and the beatitude of man consists. Wherefore Benedict XII on 29 January 1336 declared: "By apostolic authority we define, ... that the souls of the saints ... enjoy the divine essence, and also that from such vision and enjoyment the souls of those who have already departed are truly blessed and have eternal life and rest."[26] - Since God is pure spirit, and since man according to his better part, that is, according to the soul, is likewise spirit, hence the union of man with God will be spiritual, and that most intimate. Spiritual union is made through knowledge and love. Therefore man will be united with God, the last end, and accordingly blessed, if he clearly knows God and perfectly loves Him. While in this life man is a pilgrim away from God, he knows God very imperfectly, enigmatically and as if through a mirror; but in heaven he will see God face to face. But although, with the light of glory assisting, the blessed in heaven clearly behold the majesty of God, nevertheless they cannot perfectly comprehend God, inasmuch as He is incomprehensible and infinite. But no finite intellective power can comprehend an infinite being. The knowledge or vision of God will be the first and essential constitutive element of (formal) beatitude in heaven; or formal beatitude is the best operation of the best human power with respect to the best object. Yet with that vision or contemplation of the divine essence there is intimately joined the perfect love of God above all things.[27]

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[20] St. Thomas says: "It does not pertain to free choice that we wish to be happy, but to natural instinct," *S. theol.* I, q. 19, a. 10.

[21] *Die beiden Grundprobleme der Ethik* II, 196, § 14. Therefore Hilty (*Das Gluck* I, 179) rightly says: "Happiness is properly the key of all our thoughts.... It is the final ground of all learning, striving, and of all civil and ecclesiastical institutions. One may scold that as Eudaimonism, if one will; but it is the life-goal of men: they wish to be happy at any price."

[22] *S. theol.* I, q. 75, a. 6.

[23] Cf. *S. theol.* I-II, q. 5, a. 3 and 4. "Beatitude, since it is a perfect and sufficient good, excludes every evil and fulfills every desire."

[24] Ibid. I, q. 26, a. 1.

[25] *S. theol.* I-II, q. 5, a. 4.

[26] Denz. n. 530.

[27] It has been much and sharply disputed among theologians in what eternal beatitude more essentially and formally consists: whether in vision or in love, whether in some habit deifying the essence of the soul or in some transfusion of God into the soul of the blessed. (Concerning all these things see Billuart, *De beatitudine* a. 2.) St. Thomas (*S. theol.* I-II, q. 3, a. 5) writes: "The last and perfect beatitude, which is awaited in the future life, consists wholly and principally in contemplation."

22. b) The second part of the given proposition, *The more perfect the attainment of the last end is, the greater the beatitude is*, can easily be proved. For the last end is God, infinitely perfect and blessed. But the more perfectly this infinite good is possessed, the more perfect the beatitude of the possessor necessarily is. This becomes clear by diverse examples: the nearer someone comes to fire, the greater heat he receives from the fire. The nearer someone is to light, the greater illumination he receives. In this earth, indeed, God is possessed in a very imperfect way by the just, because the knowledge of God in this state is very imperfect, and because so many dangers of losing God are present. But in heaven beatitude is more perfect; nevertheless it is not

equal for all the saints. "In My Father's house there are many mansions,"[28] said Christ. All the saints indeed see God face to face, or have the beatific vision, but not all see God in an equal way. The reason is that the "light of glory," by means of which the beatific vision becomes possible, is not possessed by all the saints in the same degree. For the light of glory corresponds to the sanctifying grace had in this earthly life. Now just as the same degree of sanctifying grace is not had by different men at the time of death, so after death the blessed do not have the same degree of the light of glory in heaven. Whence the saints in heaven are compared by St. Paul to the stars in the firmament. And as star differs from star, so one saint differs from another. The old scholastics are accustomed to express this truth briefly and forcefully in this way: all the saints see the same object, namely God, but not in the same degree of perfection.[29]

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[28] John 14:2.

[29] Cf. St. Thomas, l. c. I, q. 12, a. 6.

23. c) The third part of the proposition, *But in no other thing does true beatitude of man exist or can it exist*, is altogether denied both by ancient and by modern rationalists. Some of them think that the beatitude of man consists in pleasure or the best enjoyment of all the goods of life. Thus the ancient and modern Epicureans. Others place beatitude in virtue and in even-minded endurance of pains. Thus the Stoics. Others think that supreme beatitude consists in the destruction of the world, as being the receptacle of all evils. Thus Schopenhauer, Hartmann, and generally the pessimists. Others have devised other opinions. Already Lactantius[30] enumerates ten opinions concerning beatitude: "Epicurus judges that the highest good is in pleasure of the soul; Aristippus, in pleasure of the body; Callipho and Dinomachus joined honorableness with pleasure; Diodorus, with privation of pain. Hieronymus placed the highest good in not suffering pain; but the Peripatetics in goods of soul and body and fortune; the highest good of Herillus is knowledge; of Zeno, to live congruently with nature; of certain Stoics, to follow virtue; Aristotle placed the highest good in honorableness and virtue." Moderns have devised still other opinions, which there is no time to enumerate here. But that all of them together are false is demonstrated by this evident argument: all those contrary opinions place supreme beatitude in some created and finite good. But no created and finite good, whatever finally it may be, can be the perfect beatitude of man. Therefore all contrary opinions are false. The major of this syllogism is plain by running through the individual opinions of the adversaries. The minor is proved: no created good lasts perpetually, but passes away in the course of time. Now nothing which is thus transitory can perfectly satisfy the human appetite, as was already said and proved above. Moreover, even if those created goods were stable, nevertheless they could not perfectly satisfy the human appetite, because, experience testifying, the more they abound, the more they inflame desire, according to that worn adage: "The more waters are drunk, the more they are thirsted for." Moreover history offers many examples of men who, although truly heaped up with all earthly goods, nevertheless denied that they were happy. The richest Solomon is witness, most wise and satiated with all pleasures, who nevertheless exclaimed: "Vanity of vanities, and all is vanity,"[31] and: "I have seen all things which are done under the sun, and behold all is vanity and affliction of spirit."[32] But the intrinsic reason of this insufficiency is that the object of our will and desire is universal and every good.[33] Now no created thing is universal good, but a particular or determinate good, and accordingly is not the adequate object of the human will. This indeed St. Augustine,[34] inwardly sensing, exclaims: "Our heart is restless until it rests in Thee, O God." St. Bernard,[35] however, says: "The rational soul can be occupied by all other things; it cannot be filled. Whatever is less than God will not fill that which is capable of God"; and St. Thomas[36] affirms: "Nothing finite can quiet the desire of the intellect, which is shown from this, that the intellect, any finite thing being given, strives for something beyond."

Proposition 3

[30] *De instit.* book 3, c. 2 (Migne, *Patr. lat.* 6, 364). Indeed St. Augustine (*De civ. Dei* 19, 1 [Migne, l.c. 41, 621]) says that according to Marcus Varro, 288 diverse opinions of philosophers concerning the highest good of man can be established.

[31] Eccles. 1:2.

[32] Ibid., v. 14.

[33] Cf. *S. theol.* I-II, q. 2, a. 8.

[34] *Confess.* book 1, c. 1 (Migne, *Patr. lat.* 32, 661).

[35] *Declamationes de colloquio Simonis cum Iesu* (Migne, *Patr. lat.* 184, 455).

[36] *Contra gent.* 3, 50; cf. *S. theol.* I-II, q. 2, a. 8.

24. The last end of man, that is, perfect beatitude, cannot be obtained without supernatural grace, which indeed is given sufficiently to all on account of the redemption of Christ.

Proof. The first part of this proposition is easily proved. For above it was proved that perfect beatitude consists in the vision of the divine essence and in intimate conjunction with God. Now by merely natural powers, without supernatural help, man is not able to elevate himself to this intimate conjunction with God, nor can any created intellect see the essence of God.[37] For knowledge takes place according as the known object is in the cognitive faculty, as the scholastics rightly teach. Now the human intellect cannot by its natural power receive into itself the divine essence to be known, since that essence exceeds its mode of being. For the eye of the created intellect is with respect to the essence of God like the eye of the owl, which cannot look upon the sun. Therefore, for obtaining beatitude, there is required some supernatural help, which is grace and the light of glory. What this grace is, and what this light of glory is, belongs rather to Dogmatics to investigate.

[37] Cf. *S. theol.* I, q. 12, a. 4, and Cajetan's Commentary on this article. Moreover *S. theol.* I-II, q. 62, a. 1.

25. In the second part of the proposition it is affirmed that this supernatural grace is given sufficiently to all. For God has implanted in the soul an ineluctable desire of true and perfect beatitude. Therefore it would be unfitting if the same God had not given sufficient means for satisfying that desire and for obtaining perfect beatitude. - Moreover, Christ died for all and merited sufficient graces for all, so that they could be saved.

It does not belong to this place to search more intimately into the essence and existence of that sufficient grace, because this rather pertains to Dogmatics. Nevertheless two things are to be noted:

1. To baptized infants and to all those who, not having attained the use of reason, die in the state of sanctifying grace, beatitude is given as an inheritance; but to adults having the use of reason, as a reward. Accordingly adult men are bound by their good acts to merit eternal life, and indeed by cooperating well with the grace received.

2. All theologians are accustomed to distinguish between the natural order and the supernatural order. The natural order is understood as that which can be observed by proper natural powers, and in which natural reason is the supreme rule and norm of human acts. The supernatural order is that order which exceeds natural human powers, and in which human actions are regulated also according to theological faith. The purely natural order, or, as it is also commonly called, the state of pure nature, is indeed possible, but in reality it has never existed. For God from the beginning at once elevated the first parents, and in them the whole human race, to the supernatural order; indeed, according to St. Thomas,[38] the first man was immediately

created in sanctifying grace and accordingly in the supernatural order. In other words: from creation God preappointed a supernatural end for man, so that all human acts ought at least implicitly to be directed to the supernatural end. If they are directed to it, they are good; otherwise they are evil. From these things there follow two corollaries of great importance: 1. there are not human acts indifferent in the individual, as will be proved more broadly below at n. 129; 2. there is not a purely philosophical sin, that is, a human act which would indeed be against right natural reason, but not against the supernatural end. That philosophical sin is not given is now certain, since the contrary opinion was condemned by Alexander VIII on 24 August 1690: "Philosophical or moral sin is a human act disagreeing with rational nature and right reason; but theological and mortal [sin] is a free transgression of the divine law. The philosophical, however grave it may be, in him who either is ignorant of God or does not actually think of God, is a grave sin, but is not an offense against God, nor a mortal sin dissolving the friendship of God, nor worthy of eternal punishment." This proposition was declared "scandalous, rash, offensive to pious ears, and erroneous."[39] John de Lugo,[40] before the condemnation of this proposition, keenly defended philosophical sin, for example, philosophical adultery.

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[38] *S. theol.* I, q. 95, a. 1.

[39] Denz. n. 1290.

[40] *De incarn.* disp. 5, sect. 5 (Paris ed. 1868, t. II, pp. 338-356, especially 352-353). Likewise Maes, Musnier, Caramuel, and others admitted philosophical sins. Cf. Hurter, *Nomenclator* IV, 407.

Treatise II. On Human Acts

Cf. St. Thomas, *S. theol.* I-II, q. 6-48; Billuart, *Sum. S. Thom.*, treatise on human acts; G. Walsh, *Tract. de actibus hum.* 2nd ed. (Dublin 1891); V. Frins, *De actibus hum.* (Freiburg 1897 sqq., Herder); Noldin, *De principiis* n. 40-105.

Preliminary note. The supernatural end is not obtained by an adult man except as a reward owed to his good acts, as was said above. Hence, after the treatise on the last end, there is conveniently a discussion on human acts. But our intention, writing on practical Moral Theology, is not to discuss all the subtleties which the scholastics devised concerning human acts, but rather to hand down those things which are more useful and accommodated to practice, following the doctrine and method of St. Thomas in his *Summa theologica* I-II, q. 6-21. We divide the whole treatise on human acts into four chapters, namely: 1. on the nature and divisions of the human act; 2. on its principles; 3. on its morality; 4. on its merit. From the second article onward subdivisions will have to be made, as will appear below.

Chapter I. On The Nature And Divisions Of Human Acts

26. Definition. A human act can be defined: an act which proceeds from the deliberate will of man; or: which proceeds from reason knowing and will moving; or: of which man is master.

The Angelic Doctor writes very well to the point:[1] "Actions which are done by man are properly called human only when they are proper to man insofar as he is man. But man differs from irrational creatures in this, that he is master of his acts; whence those actions alone are properly called human of which man is master. But man is master of his acts through reason and will. Whence free choice is also said to be the faculty of will and reason. Therefore those actions are properly called human which proceed from deliberate will. But if any other actions befit man, they can indeed be called actions of man, but not properly human, since they are not of man insofar as he is man." - *Acts of man* are commonly called those acts which indeed proceed from man as man, but without the intervention of reason or will, as the acts indicated below under nn. 2, 3, and 4.

From the given definition it is plain that the following acts are not properly human acts:

1. All natural acts and all acts of the vegetative power in man, for example, nutrition, digestion of foods, motion of the heart, bodily excitations coming from an influx of humors or from extrinsic causes not freely admitted by the will. But because of the intimate conjunction between soul and body, the will can exercise some influence upon those acts; for example, the will can vividly excite the imagination and, by means of the imagination so excited, is able to produce palpitations of the heart or motions of sensuality. In these cases acts of sensuality of this kind are certainly human and moral acts, but not if they arise without the intervention of the will.

2. All acts elicited by the perfectly insane, by those sleeping, by infants lacking the use of reason, by persons put to sleep by hypnotism, by the drunk (if, however, the hypnosis or drunkenness is perfect and the acts committed could not have been foreseen before the hypnosis or in the state of sobriety). The reason is that acts of this kind proceed without the use of reason and therefore are not produced by man as a rational animal.

3. All acts so-called "first-first,"[2] which are indeed produced by a man having the use of reason, but occur so suddenly that they precede every use of reason and will, for example, instantaneous and unforeseen motions of anger from an unexpected grave offense. Such acts are neither human nor moral, but amoral. But the motions so-called "second-first," which occur with half-full deliberation and advertence, are human acts, and therefore moral, although imperfect.

4. All coerced acts, that is, those which occur under the influence of force or violence. Hence violent rape is not for the virgin an act either human or moral, but merely physical. For the virgin is not mistress of this act, which is altogether against her will.

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[1] *S. theol.* I-II, q. 1, a. 1.

[2] Concerning the controversy whether the first motions of sensuality are venial sin, see Billuart, *De peccatis* diss. IV, a. 2, § 1. The negative opinion seems to be far truer.

27. Scholion. On the love of felicity and beatific love. Authors dispute whether the love of felicity on this earth and beatific love in heaven is a human act or not. Suarez, Sylvius, Billuart, Haine, and others stand for the negative side. Wiggers[3] and Vermeersch[3a] are for the affirmative side. It seems to be a dispute about words. The love of felicity on this earth, just like beatific love, is psychologically necessary, but it is not an act, but a habit (either innate or infused). But the individual acts which from this habit are indeed elicited necessarily, but not coercively,[3b] are altogether according to and in no way against the will; moreover they are proper to man insofar as he is man, and for this reason nothing prevents them from being called human acts.[3c] Whence Wiggers[4] deservedly says: "It seems very absurd to despoil the most perfect operations of man, and those for which he was chiefly created, of the name and dignity of human action." Therefore some theologians do not call the act of beatific love human, but superhuman. But there is no disputing about words.

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[3] Commentary on I-II, q. 1, a. 1.

[3a] *Theol. mor.* I, n. 38.

[3b] St. Thomas (*De malo* q. 6, a. unic.) says: To desire beatitude is necessary to man "as to the determination of the act, because he cannot will the opposite; but not as to the exercise of the act, because someone can then not wish to think about beatitude, since even the particular acts themselves of intellect and will are."

[3c] If an act otherwise necessary could not be a human act, then Christ on this earth would not have elicited human acts in observing the divine precepts, because He could not transgress those precepts.

[4] Commentary on I-II, q. 1, a. 1.

28. Note. St. Thomas[5] says: "Moral acts and human acts are the same." Nevertheless the account of each is not the same; for an act is called human because it proceeds from reason and will, but it is called moral insofar as it is conformed to or deformed from right reason and divine law (cf. below, on the notion of morality, n. 99).

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[5] *S. theol.* I-II, q. 1, a. 3. This opinion of the Angelic Doctor is much truer than the opposite opinion defended by some, for example by Noldin, *De princip.* n. 63 at the end.

29. Divisions. Of human acts one is:

1. An elicited act and a commanded act. This division occurs very often in Moral Theology, but it is not explained by all in the same way. We call an act *elicited* which is produced immediately and formally by some power or habit; but a *commanded* act is one which is elicited by one power or by one habit, but from the command of another power or habit. Elicited acts of the will are, for example, to love, to hold in hatred, to

consent, etc. An elicited act of the habit of faith is to believe; an elicited act of the virtue of justice is to render to each one what is his.[6] A commanded act is a fast performed from the motive of penance; for it is elicited by the virtue of temperance, but commanded by the virtue of penance. Every act indeed is elicited, but not every act is commanded.

Even the highest powers of man not rarely act under the command of another. Thus the will itself can elicit commanded acts, as the Angelic Doctor expressly teaches: "An act of the will can be commanded."[7] Only the first act of the will is to be excepted, namely, the simple volition of the end, which is not from the command of reason, but from the instinct of nature or of a higher cause.[8] Experience testifying, inordinate passions in some men altogether command both the will and reason. - By the way, it is already permitted here to observe that, in a case in which one and the same act is elicited by one habit and commanded by another, that act derives its morality rather from the commanding habit than from the eliciting habit; for example, the virtue of mercy elicits an act of succoring the poor man, but this act of mercy is done from the motive or command of the love of God. In this case the act thus perfected pertains rather to the virtue of charity toward God. More broadly on this below, where there is discussion of the morality of acts from the end (n. 99 sqq.).

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[6] Many authors, such as the old Scholastics and Noldin, Tanquerey, Aertnys-Damen, take an elicited act as that which is immanent in the will, by which it is perfected and consummated, such as volition, choice, etc. But they call commanded acts those which are produced by other powers from the command of the will, for example, to think, to walk.

[7] *S. theol.* I-II, q. 17, a. 5.

[8] Cf. ibid. ad 3.

30. 2. An internal act, an external act. Again, authors do not use this division in the same way. According to some, internal acts are only acts elicited by the will, such as to love; for they are and remain in the will. But external acts are all acts commanded by the will, since they are outside the will and are elicited by internal powers (an interior act, for example, to understand) or external powers (an exterior act, for example, to walk). According to others, in the more common and clearer sense, those acts are called internal which are manifested by no external sign, for example, acts of faith, meditations, morose delectations, of evil joy, of evil desire, etc.; but those acts are external which are exercised through the external organs of the body, such as to steal, to fornicate, to genuflect, to sing psalmody, etc.

Note. a) An act outwardly perceptible remains external, although accidentally it is perceived by no one; and this indeed must be well attended to in the matter of censures. For a censure is not incurred unless, besides the other requisites, an external act has been committed. Hence if someone has denied the faith interiorly, he is not excommunicated; but if he has committed his denial to writing or uttered it, although no one else knows this, he incurs the censure.

b) There are authors who, besides external and internal acts, also distinguish *mixed* acts, namely, those which are exercised by external and internal powers at the same time; but this distinction is superfluous, not to say erroneous, since every external human act must at the same time proceed from an internal act, otherwise it is no longer a human act. Yet we concede that several interior acts can be joined to some external act; for example, mental prayer, study, etc., can be joined to walking.

31. 3. A good act, an evil act, an indifferent act, according as it is either conformed to right reason as the norm of morality, or deformed from it, or indifferent to right reason. For example, a good act is prayer to God, an evil act is a lie, an indifferent act is walking (considered objectively). Below (n. 129 sqq.) we shall prove that indifferent acts are not given except when taken in the abstract, but that in the concrete every act is either

good or evil because of the end or the adjoining circumstances. A good or indifferent act is called a licit act insofar as it is prohibited by no law; but an evil act is the same as an illicit act.

32. 4. A natural act and a supernatural act, according as it is elicited by natural powers alone (for example, to think, to speak) or is produced by the help of supernatural grace (for example, to elicit an act of contrition, of faith, etc.). An act is not supernatural from the fact that it turns upon a supernatural object, but from the fact that it is elicited by a supernatural principle. Hence if someone considers the mystery of the Trinity by the light of natural reason alone, he does not elicit a supernatural act; on the contrary, if someone by the help of grace resists a carnal temptation, he performs a supernatural act. - All supernatural acts elicited in this life are meritorious[9] (either *de condigno* or at least *de congruo*, properly or broadly so called).

[9] Cf. below, on merit, n. 139.

33. 5. A valid act and an invalid act, according as it either has or lacks the necessary conditions prescribed by positive law for producing some certain effect. This distinction often comes into use in sacraments and contracts. Thus, for example, the act of baptizing is valid if all things pertaining to the essence of baptism are observed; otherwise it is invalid. An invalid act is not to be confused with a *rescindible act*, since the latter is valid in itself, but can be annulled by competent authority.

34. Scholion. On the genesis of the human act. Here it is permitted briefly to add the series of acts both of the intellect and of the will which, according to St. Thomas,[10] must concur for any external moral work. They are twelve, namely, six on the part of the will, five on the part of the intellect, and one on the part of the executive powers. Therefore, first there are six acts elicited by the will, of which three turn upon the end and three upon the means to the end. Concerning the end: simple volition, intention, and fruition. Concerning the means to the end: consent, choice, and active use. To these six acts of the will correspond five acts on the part of the intellect, and on the part of the executive powers only one act. On the part of the intellect there are two concerning the end, namely, simple apprehension and judgment; three concerning the means, namely, counsel, discretive judgment, and command. That act which is elicited by the executive powers is called by the scholastics passive use. Now the order of all these acts is the following: The first act is on the part of the intellect, namely, cognition or simple apprehension of the end to be obtained, for example, health of body to be recovered. This act of the intellect is followed in the will by simple volition, which is the bare complacency or love of the good to be had. This act in itself is ineffective, for it is only a wish; yet it disposes the intellect to considering whether the loved good can be had. Therefore a third act approaches, and indeed on the part of the intellect, namely, judgment that the loved end can be obtained, for example, that lost health is truly recoverable. After this act of the intellect there follows in the will an efficacious intention of actually obtaining the proposed and possible end through means.[11] These four acts having been posited concerning the end itself, the intellect attentively inquires about suitable means to be employed for obtaining the end; this act indeed is called counsel or consultation about means. In the example brought forward this counsel would be the deliberation of the sick man or of the physician, by what means health is to be obtained. Such counsel having been had, there follows on the part of the will an act which is called consent, by which it approves and appetitively seeks the usefulness of the means. By force of this consent the intellect is applied to discerning *in particular* what means are to be employed; this discernment indeed is called discretive judgment. This having been had, the will truly chooses or appetitively seeks the means thus proposed in particular by the intellect; this act is called choice or the appetite of what has been pre-counseled.[12] For example, all things having been weighed, the sick man chooses a surgical operation for recovering health. Once the particular choice has been completed, the intellect commands the execution of the means chosen; this act is called command. To this

command on the part of the will there corresponds the application of the executive powers to the work, which act is called active use. The executive powers obey this application of the will and truly execute the external work, which act is called passive use; for example, the sick man goes to the hospital and prepares all things for the surgical operation. Finally, all these acts having been premised, the intended end is obtained and the will rejoices and rests in it; this act indeed is called fruition in the possessed end; for example, the surgical operation having been happily performed, health is recovered, and the man, who previously was sick, now rejoices in perfect health. - All these things are explained more broadly by the Angelic Doctor in the cited place. We have made mention of them, not indeed because of immediate practical utility, since that twelvefold number of acts is wont to be performed so quickly that the agent does not become conscious of all of them, but to show how accurately and wisely the scholastics made an analysis of human acts.

[10] *S. theol.* I-II, q. 8-17.

[11] Intention is distinguished from simple volition in this, that simple volition has as its object the good as such; but intention has the good as attainable through the means necessarily to be employed (cf. *S. theol.* I-II, q. 12, a. 1 ad 4). Whence, properly speaking, God indeed wills His goodness, but He does not intend it, since He does not need means for having it.

[12] *S. theol.* I-II, q. 14, a. 1. Concerning the relation between consent and choice, see ibid. q. 15, a. 3.

Chapter II. On The Intrinsic Principles Of The Human Act

The intrinsic principles of the human act are called those intrinsic causes which produce the act. But from the definition already given of a human act, its intrinsic principles appear, namely, intellect and will. For there is no human act unless it has proceeded from deliberate will, that is, with cognition premised and will acting. But cognition must necessarily precede an act of the will according to the axiom: "Nothing is willed unless it is foreknown." Hence the present chapter is conveniently subdivided into two articles, namely: 1. on the cognition required for a human act, and 2. on the voluntary which is required for a human act.

Article I. On The Cognition Required For A Human Act

35. Cognition is the first foundation of a human act, so that without sufficient cognition a truly human act is altogether impossible. But cognition can turn chiefly upon a twofold object, namely: 1. upon the act itself, and 2. upon the morality of the act. As to the first, the agent must be conscious to himself of the action itself which he elicits, or he must have sufficient advertence to the action itself.[1] If this advertence is present, the elicited act is truly human. But besides this it is required that the agent attend to the morality of the action. Thus, for example, a man eating meat on Friday adverts to the act of eating; but he can totally forget the morality of this action, because he does not advert that it is Friday. - Inadvertence differs from ignorance in this, that it is the privation of actual cognition, while ignorance is commonly taken for the privation of habitual cognition. Hence wherever there is ignorance, there is also inadvertence, but not contrariwise. For one who knows something habitually can, from actual distraction, not attend to it. For the sake of clarity one must speak separately: 1. of advertence, 2. of ignorance, 3. of the influence of ignorance or inadvertence on human acts.

[1] Modern philosophers call this apperception.

§ 1. On The Advertence Required For A Human Act

Divisions. Advertence, which is the act by which the mind attends to something, is distinguished:

36. 1. Full and half-full. Full advertence is that by which a man capable of the use of reason perfectly notices the things which he does. Half-full is called that in which, because of some obstacle, the mind does not fully advert to the act or its morality. Thus, for example, actions are wont to occur with half-full advertence during drowsiness.

2. Distinct and confused. The first is that by which a man clearly and distinctly perceives the act and its morality; for example, if one committing incest clearly knows that a twofold malice is included in this act. The other is that by which a man indeed adverts that he is acting badly or well, but does not clearly distinguish the morality of the act.

3. Actual and virtual. The first is that by which a man actually attends both to the physical act and to its morality. The other is that which indeed is not actually present, but could and morally ought to have been present; because of an obstacle, however, the mind does not fully advert to the act.

37. Principle. Virtual advertence (which by some is less correctly called interpretative) certainly suffices so that some act can truly be called human.

The reason is that although virtual advertence is physically actual inadvertence, nevertheless morally (by force of advertence and of an actual intention previously had) it truly flows into the act and causes it so that it occurs according to the free intention of the agent. From this three things follow:

1. Virtual advertence suffices for constituting a venial sin. Thus all.

2. Virtual advertence suffices for the valid administration of sacraments. Thus again all; at least if the sacrament of matrimony is excepted, in which not unsuitably actual advertence is required by some in the contracting parties, who are the ministers of this sacrament.

3. Virtual advertence suffices for true prayer and notably for the divine office. Thus also all. - As a general rule it can be held: Other things being equal, the degree of the morality of the act is measured by the degree of advertence. Whence the less advertence there is, the less voluntary is the act thus arisen. And concerning the morality of acts committed with actual inadvertence, that which the Angelic Doctor writes concerning ignorance is valid - for inadvertence is nothing other than actual ignorance: "Because every sin is voluntary, ignorance can diminish sin insofar as it diminishes the voluntary. But if it does not diminish the voluntary, in no way does it diminish sin."[2]

It was disputed between Patuzzi and St. Alphonsus whether virtual advertence would suffice even for mortal sin, or whether actual advertence would be required.[3] Yet there seems not to be so great a real difference between the disputants. For among all it is agreed that perfect cognition and perfect liberty are required for mortal sin, and therefore, if either one is lacking, mortal sin is not present. Therefore the question remains whether virtual advertence is still sufficiently perfect cognition. Theoretically speaking, a negative response must be given, since virtual advertence is truly actual lack of consideration and distraction of mind, which certainly are incompatible with perfect cognition. But practically speaking, one must first investigate whether actual inadvertence is indirectly willed and gravely culpable or not, for example, because of culpable negligence or passion or an evil habit. But if it is indirectly willed and culpable, it certainly suffices for mortal sin. Hence, for example, he who has a habit (not retracted) of blaspheming, even if here and now while blaspheming he does not attend to the malice of this act, nevertheless sins gravely. The reason is that he who knowingly does not fight against an evil habit of blaspheming foresees with moral certainty that he will often break out into blasphemies with or without actual advertence. But if he does not prevent this, all following acts of blasphemy are truly mortal sins, because they are indirectly willed. On the contrary, a good Catholic

who is accustomed diligently to observe ecclesiastical laws, if from inadvertence he eats meat on Friday, sins in no way.

[2] *S. theol.* I-II, q. 76, a. 4. Billuart treats this whole question concerning inadvertence very well, *De peccat.* diss. 5, a. 6.

[3] Cf. Patuzzi, *Eth. christ.* tract. 2, c. 3, and St. Alph., *Theol. mor.* l. 5, n. 4, who explains the true doctrine very well.

38. Note. According to the diverse actual advertence of the mind, acts of three kinds are customarily distinguished: **1.** *first-first* acts, which precede all advertence;[4] **2.** *second-first* acts, which proceed with half-full advertence, for example, acts which occur in drowsiness, when a man neither sleeps perfectly nor is perfectly awake; **3.** *second* acts, which proceed from perfect advertence.

[4] Cf. above, n. 26.

§ 2. On The Notion And Divisions Of Ignorance

39. Notions. To cognition concerning the morality of an act there is opposed *ignorance*. Ignorance is taken more broadly for any lack of cognition in a capable subject; but more strictly (and better in moral theology) it is accepted as: the lack of due cognition. Therefore in this sense ignorance is distinguished from simple *nescience*, which is the lack of any knowledge, whether due or not.[5] Thus, for example, for a confessor living in Europe not to know the Japanese language is nescience; but not to know Moral Theology is ignorance. Moreover ignorance is distinguished from error, for "error," as St. Thomas teaches,[6] "is to approve false things for true; whence it adds some act over ignorance. For there can be ignorance without someone passing judgment about things unknown; and then he is ignorant and not erring. But when he already passes a false judgment about those things which he does not know, then he is properly said to err." But in practice ignorance, accepted in the sense explained above, is the mother of error; for ignorance is a habit, but error is an act or judgment proceeding from the habit of ignorance. We treat at the same time of ignorance and error.

[5] *S. theol.* I-II, q. 76, a. 2.

[6] *De malo* q. 3, a. 7.

40. Divisions. 1. By reason of the object ignorance of fact and ignorance of law are distinguished. The first is present when someone is ignorant of some substantial or accidental fact, for example, when someone does not know that this book, which he reads, is heretical. The other is ignorance of law, and is present when someone does not know some law,[7] either commanding or prohibiting; for example, when someone reading a heretical book does not know the ecclesiastical law punishing the reading of heretical books.

[7] To ignorance of law there seems also to be reduced ignorance of the penalty to be inflicted on transgressors of the law. For such a penalty is the sanction of the law and its integral part, and therefore ignorance of the penalty is partial ignorance of law or right.

41. 2. By reason of the subject, that is, of the ignorant man, ignorance is distinguished as invincible and vincible. The first is that which, with moral diligence having been employed, cannot be conquered or driven away. The other is that which could be driven away by moral diligence, but from negligence or evil will is not driven away. - Moral diligence is considered that which is customarily employed by prudent and God-fearing men in such circumstances. But I say: *in such circumstances*; for the same diligence is not always to be employed. For if there is question of a grave matter, for example, of the validity of a sacrament, greater diligence is required than if there is treatment of a light matter, for example, of the narration of some harmless little story, which perhaps is not true. Yet supreme or extreme diligence is never required. For neither divine

nor human legislators are to be considered tyrants, willing to oblige subjects to learn with extreme diligence all the minutest obligations of the law. - Since vincible ignorance arises from culpable negligence or from evil will, it also is culpable;[8] but invincible ignorance is inculpable.

[8] Those authors who teach that vincible ignorance can be inculpable take ignorance for nescience, but not in the strict sense for lack of due knowledge.

42. Vincible ignorance is customarily subdivided according to the diverse degrees of negligence and culpability occurring:

a) Into simply vincible, when only slight negligence in driving it away was present.

b) Into crass or supine, when there was almost no diligence, but grave negligence opposed to driving away the ignorance. Crass or supine ignorance in a grave matter is gravely culpable; but it is a light sin in a light matter. Therefore crass or supine ignorance is not always the same as gravely culpable ignorance (as is taught by some authors), but only then, when there is question of a grave matter.

c) Into affected ignorance, which is ignorance deliberately willed by him who wishes to have either some excuse from sin, or not to be drawn back from sinning; for example, someone doubting whether a book is on the Index does not ask, although he can easily ask, lest perhaps he should have to desist from reading that book. Those who labor under ignorance of this kind as if say to God: "Depart from us, and we do not want the knowledge of your ways."[9] As is plain, this ignorance arises from an affection toward sin. Such affection is various: "Some do not wish to attend to the law, so that they may act according to their pleasure; they would be drawn back from acting by reverence for a known law; others, so that they may act according to pleasure more freely and without remorse; they are prepared to violate the known law, yet have retained some reverence for it; others, because they contemn the law itself and the authority by which it is issued, by which reason many apostates of our age care nothing for what the Church teaches or what she commands."[10] - This affected ignorance is the worst and not only does not excuse from sin committed in transgression of the law, but even increases it, since such an ignorant man employs an evil means for sinning more freely. Wherefore it was also very fittingly established by the Code of Canon Law, c. 2229, § 1: "Affected ignorance, whether of the law or only of the penalty, excuses from no *latae sententiae* penalties."

[9] Job 21:14. *S. theol.* I-II, q. 6, a. 8 and q. 6, a. 3.

[10] Bouquillon, *Theol. mor. fund.* n. 164.

43. 3. By reason of the act of the will ignorance is distinguished as antecedent, concomitant, consequent.[11] *Antecedent ignorance* is that which precedes every act of the will, so that in no way is it willed or voluntary; but it is the (negative) cause of willing or doing that which would not be done if knowledge were present. For example, someone in hunting kills a friend, invincibly thinking that he is killing a stag. He would never have killed the friend if he had known the matter. Antecedent ignorance is always invincible and therefore inculpable, but not vice versa is every invincible ignorance antecedent. For antecedent ignorance adds above invincible ignorance that it is the cause of an action which would not occur if ignorance were absent, as is plain in the example brought forward.[12]

Concomitant ignorance is that which likewise precedes every act of the will intending the ignorance itself, and is not willed, and therefore is invincible just as antecedent ignorance is, from which however it differs in this, that it is not the cause of the work. It has place in him who is so disposed that he would posit the work or action even if he knew that which he truly here and now does not know; for example, someone who is

disposed to kill his enemy wishes in hunting to kill a stag. Yet by an unforeseen chance he kills his enemy in place of the stag. In this case the killer always remains guilty of internal homicide because of the evil will of killing the enemy, and this especially if, once the truth of the matter has been inspected, he rejoices over the killing committed. Nevertheless, as Billuart rightly observes,[13] he is excused from external homicide and from penalties and censures which are inflicted only for an external act. In practice concomitant ignorance not rarely becomes crass ignorance, indeed even affected ignorance.

Consequent ignorance[14] is that which follows from some act of the will willing it either directly or indirectly. If the will directly wills it, it is affected ignorance, of which there has already been discussion above. But if it wills it indirectly, it is simply vincible or even crass ignorance. Therefore consequent ignorance and vincible ignorance are the same in reality, although they differ according to concept. For it is called consequent because it follows an act of the will; but it is called vincible because the will can conquer it. Each ignorance also coincides with culpable ignorance, at least if ignorance is taken in the strict sense for the lack of due knowledge.

For relieving the memory we set down the following two schemata:

Ignorance

I. antecedent — consequent
|| ||
invincible — vincible
|| ||
inculpable — culpable

invincible > antecedent = antecedent
= concomitant

that is, really, although not formally, a) antecedent ignorance is the same as invincible and inculpable ignorance; b) consequent ignorance is the same as vincible and culpable ignorance. Yet invincible ignorance extends more broadly than antecedent ignorance (which in the schema is expressed by the sign >), since it also includes concomitant ignorance.

II. Antecedent ignorance
v
act of the will — concomitant ignorance
v
Consequent ignorance

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[11] Cf. *S. theol.* I-II, q. 6, a. 8.

[12] Cf. Billuart, *De act. hum.* diss. 1, a. 9.

[13] Ibid.

[14] This ignorance is also called by St. Thomas and Aristotle ignorance of evil choice (*S. theol.* I-II, q. 6, a. 8).

44. Note. Although we have enumerated together this threefold division of ignorance, nevertheless ignorance is not called antecedent, concomitant, and consequent with respect to the same thing, as someone could easily suspect. For it is called antecedent and consequent with respect to the interior act of the will, which either never willed the ignorance (antecedent ignorance), or at some time willed it or at least from negligence

permitted it (consequent ignorance). But ignorance is called concomitant not so much with respect to the interior act of the will, as rather with respect to the exterior action, which antecedent ignorance precedes and causes, but concomitant ignorance accompanies in a kind of parallel way, having no influence of itself upon its morality.[15] Whence Cajetan says very well:[16] "Whatever would be imputed to the agent without that (concomitant) ignorance, is imputed to the agent with it: and by this fact, it neither excuses nor accuses." All these things become clear in the example brought forward: If a hunter laboring under antecedent ignorance kills a friend, this ignorance precedes not only the exterior action of killing, but also and especially any act whatever of the will willing or permitting it. For the will never willed this ignorance nor the killing. But if the hunter, prepared to kill his enemy, truly kills him here and now, but ignorantly, this ignorance was in no way willed and therefore is invincible and precedes the act of the will desiring it here and now; but it accompanies the preceding and non-retracted intention of the will to kill, and besides this the external action of killing, upon the morality of which, however, it has no influence of itself. Whence such a one does not kill *because of* ignorance, but kills while ignorant or *with* ignorance. But if a hunter kills some man with consequent ignorance, this ignorance indeed accompanies the external action, but follows some prior act of the will, which either directly or indirectly willed it.[17] - The same doctrine can also be stated briefly in this way: All three species of ignorance accompany the external action; indeed antecedent and consequent ignorance cause this action, since otherwise it would not occur. Antecedent and concomitant ignorance are invincible; but consequent ignorance is vincible.

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[15] Thus also the text of St. Thomas, *S. theol.* I-II, q. 6, a. 8, seems to be understood. Yet in some sense concomitant ignorance also accompanies the act of the will, insofar as, namely, it accompanies the preceding and non-retracted intention of the will.

[16] Commentary on I-II, q. 76, a. 3.

[17] Cf. Billuart, l. c. diss. 1, a. 9, and *S. theol.* I-II, q. 76, a. 1.

§ 3. On The Influence Of Ignorance And Inadvertence On Human Acts

Preliminary note. To ignorance also are to be referred forgetfulness and inadvertence, which, if they are perfect, are equivalent to invincible ignorance; but if they are imperfect, they exercise the same influence upon the morality of the act as vincible ignorance. Therefore the following two principles are valid in the same way concerning ignorance and concerning inadvertence and concerning forgetfulness.

45. Principle 1. Invincible (antecedent) ignorance takes away the voluntary, and therefore also the imputability of any act which has been produced from it.[18] Authors are accustomed to say briefly: Antecedent ignorance excuses from sin.

The reason is that he who acts from invincible ignorance inculpably lacks cognition of the morality of the act. But nothing is willed unless it is foreknown. Wherefore the Jansenistic proposition (2) was condemned by Alexander VIII: "Although invincible ignorance of natural law be given, this, in the state of fallen nature, does not excuse one acting from it from formal sin."[19] St. Augustine expressly says: "It is not imputed to you as fault if you are unwillingly ignorant."[20]

Resolves: a) He does not sin who eats meat on Friday while invincibly thinking it is Thursday.

b) Infants before the use of reason do not sin when perpetrating something against natural or divine law.

c) A youth invincibly ignorant that some book is on the Index of prohibited books sins if he reads it and afterward, when he perceives the prohibition, rejoices over the reading, saying that he would have read the

book even if he had known the prohibition. He sins not indeed by the reading itself, since it was done with invincible ignorance, but by the joy afterward had.

[18] Cf. *S. theol.* I-II, q. 76, a. 3 and q. 6, a. 8.

[19] Denz. 1292; cf. also ibid. 1068.

[20] *De lib. arb.* 3, c. 19 (Migne, *Patr. lat.* 32, 1297).

46. Principle 2. Vincible ignorance a) does not take away the voluntary; b) nevertheless diminishes it, unless c) it is affected.

The reason for the first is that, notwithstanding vincible ignorance, the acts could and should have been foreseen and known. For since vincible ignorance itself is voluntary, the effects also following from it are voluntary. Peter Abelard seems to have taught the contrary, and therefore his proposition was condemned: "that whatever is done through ignorance is not to be ascribed to fault."[21]

The reason for the second is that here and now perfect cognition is truly lacking, which, if it were present, the action would not occur. But when perfect cognition is lacking, the perfect voluntary also is lacking, or the voluntary is diminished. Nevertheless vincible ignorance (at least if it is crass) is not accustomed to diminish the voluntary to the point that an act otherwise mortally evil becomes a venial sin.

The reason for the third is that affected ignorance is accustomed to arise either from an evil will causing it for sinning more freely,[22] or from contempt of the law.

Resolves: a) A confessor, physician, advocate, etc., who from very imperfect knowledge necessary to their office err in particular cases, sin, because they could and strictly should have procured sufficient knowledge for themselves. For their ignorance is vincible and culpable.

b) The faithful who neglect to learn the truths of faith and the precepts of morals sin if from ignorance they err concerning faith or transgress moral precepts. Nevertheless their sin is less than if they knowingly transgressed the same precepts.

c) The faithful are bound to acquire sufficient cognition of the truths of faith and morals, lest from ignorance they err in matters which pertain to the salvation of the soul.

The two principles enunciated can also be briefly expressed thus:

1. Antecedent ignorance causes the simply involuntary. Consequent ignorance causes the simply voluntary and the involuntary in a certain respect.

2. Concomitant ignorance indeed causes the non-voluntary, but not the involuntary[23] (concerning the distinction between the involuntary and the non-voluntary, see below n. 56).

3. Antecedent ignorance excuses; consequent ignorance accuses; concomitant ignorance neither excuses nor accuses.

[21] Denz. 377.

[22] Cf. *S. theol.* I-II, q. 76, a. 4: "Ignorance (affected) seems to increase the voluntary and sin: for from the intensity of the will toward sinning it comes about that someone wishes to undergo the harm of ignorance because of liberty in sinning." Cf. also *De malo* q. 3, a. 8.

[23] Cf. *S. theol.* I-II, q. 6, a. 8.

47. Scholion 1. On the inadvertence of the customary sinner. It can happen that a man is so bound up in evil habits that he elicits evil acts without any actual advertence to the malice, and those habits become as a second nature. This indeed can occur, for example, from the habit of blaspheming, fornicating, lying. In these cases a distinction is needed: Either the evil habit has been efficaciously retracted through sincere contrition, and then the acts produced without advertence are involuntary and therefore inculpable; or the evil habit has not been retracted, and then the individual acts do not lack fault, because they should have been foreseen and guarded against; indeed such acts are graver sins, since they proceed from a deep-rooted habit freely admitted.[24] Nevertheless in the confessional customary sinners of this kind are not to be too much tormented so that they state the number of individual acts. For investigation of the exact number is impossible, and rude penitents are accustomed to answer the questioning confessor whatever comes into their mouth, as St. Alphonsus says. Therefore it suffices if the confessor asks through what length of time the penitent has lived in such a habit, and about how many acts he committed each day.

Scholion 2. On ignorance of ecclesiastical laws and penalties. Although ignorance of invalidating or incapacitating laws (for example, impediments of marriage, irregularities) does not excuse from the same, unless something else is expressly said (c. 16, § 1), nevertheless "The violation of an unknown law is in no way imputed, if the ignorance was inculpable; otherwise imputability is diminished more or less according to the culpability of the ignorance itself" (c. 2202, § 1). But as often as because of ignorance (or some other cause) the transgression of the law was not gravely culpable, no ecclesiastical penalty is incurred (c. 2218, § 2). Grave fault, however, is not always required if there is question of imposing penances or penal remedies.

As to ignorance of ecclesiastical penalties, these things have been established: **a)** Ignorance of only the penalty does not take away the imputability of the delict, but diminishes it somewhat (c. 2202, § 2); **b)** Affected ignorance, whether of the law or only of the penalty, excuses from no penalty; but crass and supine ignorance excuses from penalties alone, if the law has the words: *shall have presumed*, *shall have dared*, *knowingly*, *deliberately*, *rashly*, *with purpose aforethought shall have acted*, or other similar words; **c)** Other ignorance indeed excuses from medicinal penalties, but not from vindicative penalties (c. 2229).

[24] *S. theol.* I-II, q. 78, a. 2; cf. also below n. 90.

Article II. On The Voluntary Which Is Required For A Human Act

Since this article is somewhat broader and at the same time very necessary for practice, for the sake of clarity we divide it into three paragraphs, namely: on the quiddity and division of the voluntary and involuntary; on the indirect voluntary; on the enemies of the voluntary.

§ 1. On The Quiddity And Division Of The Voluntary

48. Definition. The voluntary (that is, a voluntary act or effect) is that which proceeds from an intrinsic principle with cognition of the end; or that "whose principle is within, with the addition of knowledge." Thus with St. Thomas[25] all theologians.

This definition is explained. It is said, **first:** a voluntary act or effect is that which proceeds *from an intrinsic principle*. This principle or cause indeed is the will or appetite. Therefore an act is not voluntary if it is produced a) by an extrinsic principle, b) by a principle indeed intrinsic, but without the influx of the will or appetite. Hence the voluntary is distinguished: **alpha)** from the violent, since it is produced by an extrinsic cause, and is customarily defined by the scholastics: "The violent is that whose principle is outside, with the one suffering force contributing nothing."[26] Such a violent act (but not voluntary and therefore not imputable),

for example, is a coerced violation for a virgin. It is distinguished **beta)** from the willed, which is indeed the object, but not always the effect of the will. Hence every voluntary thing is indeed willed, but not every willed thing is voluntary. Thus, for example, rain can be something willed for the farmer, but not voluntary, since the farmer is indeed able to desire rain, but not to produce it. - The other internal powers of man can indeed sometimes produce human acts and therefore be the subject of sin, as, for example, reason and the inferior powers of the soul; but such acts are not truly voluntary except insofar as the will moves those powers to acting.[27]

It is said, **second:** *with cognition of the end*, that is, insofar as the known end allures and moves to acting. Cognition here is taken in the strict sense, that is, for intellectual cognition; whence sensible perception does not suffice (at least if the discussion is about the perfect voluntary). For even brute animals sensibly and instinctively perceive the end in their actions. Thus, for example, the swallow perceives the nest to be made as an end and the mud to be gathered as means to this end. Yet all these things do not constitute true and perfect cognition of the end, and therefore the swallow gathering mud and making a nest does not elicit voluntary acts (at least perfectly voluntary acts).[28] Because of this required cognition of the end, the voluntary is distinguished: **a)** from a *natural act*, which indeed proceeds from an intrinsic principle, but to which cognition of the end is lacking. Such natural acts, which are not voluntary, are, for example, acts of the vegetative power, such as to sleep, to digest foods, etc. **b)** from a *spontaneous act*, that is, from a first-first act, which indeed proceeds from an intrinsic principle, but which precedes every cognition or advertence.

Note. From an intrinsic principle, that is, from a cognitive and appetitive power, there can proceed not only positive acts and effects, but also negative ones, that is, voluntary omissions and their effects. Wherefore these also pertain to the voluntary. Thus, for example, it is voluntary if parents omit a good education and from this the children commit sins.

Divisions. The voluntary is chiefly distinguished:

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[25] *S. theol.* I-II, q. 6, a. 1. In the German language *voluntarium* can be rendered: *das Willentliche, das Selbstgewollte.*

[26] Cf. Aristotle, *Eth. Nic.* 3, 1.

[27] Cf. *S. theol.* I-II, q. 24, a. 1-3.

[28] Cf. below n. 52.

49. 1. Necessary and free. The first is that which is necessarily produced by the will, so that liberty of omitting that act is lacking. A voluntary of this kind is the desire of felicity on this earth and beatific love in heaven. - The free voluntary is that which is not only immune from coercion, from natural instinct, and from determination to one without potency toward another, but which is produced by the will in such a way that there remains to it the potency of acting or not acting. Of this kind are all properly and perfectly human acts except the two necessary acts cited above. - From these declarations given it follows *that everything free is voluntary, but not vice versa is everything voluntary free.* For in order that the voluntary be free, it is altogether required that liberty of indifference be added.

It is not of this place to investigate more deeply the nature of a free act. Perhaps there is no more difficult question in all Theology than that concerning the nature of a free act. For our mind is scarcely able to perceive how liberty can stand together with the immutability of God; and yet it is most certain that it is so. Divine acts "ad extra" are free, indeed in the highest degree of liberty, and yet they are immutable. God perfectly knows all and each free act of all men from eternity. Therefore, since the knowledge of God is infallible, every act of every man is infallibly produced, and indeed exactly in that manner just as God foresaw from eternity.

Notwithstanding this certitude, all those acts are free. Concerning the nature of liberty, from the times of St. Augustine very many heresies and controversies have arisen. Heretical opinions concerning the nature of the free act have been brought forward especially by the Jansenists, Lutherans, and Calvinists. In our times liberty is denied by very many, for example, by Determinists and Fatalists. Against them a few things are to be said here concerning the notion and existence of free choice.[29]

[29] Concerning the true and false notion of liberty, Leo XIII treats in a truly excellent manner in the encyclical *Libertas*, June 20, 1888.

50. Definition of free choice. Free choice is best defined by St. Thomas:[30] "The elective power of means, the order of the end being preserved." It is said **a)** an elective power of means, because it belongs to free choice to choose means without any external coercion. It is said **b)** the order of the end being preserved, because it in no way belongs to free choice that it can reject the last end, or that it can choose evil; otherwise God, the angels, and the saints would not have free choice, because they cannot decline from the last end nor choose evil.

For true liberty there is required **a)** liberty from coercion; for in coercion or violence every choice is taken away; **b)** liberty of contradiction, that is, the faculty of acting or not acting, of doing this or of not doing this. The reason is the same, because otherwise no choice now exists. But there is in no way required: **alpha)** liberty of contrariety, that is, the faculty of choosing contraries in moral matters, namely, good and evil. The reason is that such a choice does not conduct to the end, but on the contrary often leads away from it. Therefore to be able to choose sin in no way pertains to liberty; otherwise neither God nor the angels would be free. **beta)** Liberty of specification, that is, the faculty of choosing objects diverse in species. Certainly this faculty belongs to God and the angels, but it is not necessarily required for liberty, since even without it there is sufficient faculty of choosing. Besides, liberty of contrariety and specification are not rarely confused and are held for the faculty of choosing evil. But it was said above that the faculty of choosing evil is in no way required for the essence of liberty. - These things having been explained, there is proved:

[30] *S. theol.* I, q. 83, a. 4.

51. The existence of free choice, which is denied by the Stoics, Manichaeans, Lutherans, Calvinists, and almost all modern Atheists, Materialists, and Pantheists, who are customarily called by the common name Determinists:[31]

a) From Sacred Scripture: "Stretch forth your hand to that which you will; before man are life and death, good and evil; what pleases him shall be given to him."[32] "An option is given to you; choose today what pleases."[33]

b) From the definitions of the Church: "If anyone says that man's free choice, moved and stirred by God, cooperates nothing by assenting to God stirring and calling ... let him be anathema."[34] - "If anyone says that man's free choice after Adam's sin was lost and extinguished, or that it is a thing in title only, indeed a title without reality, finally a fiction introduced into the Church by Satan, let him be anathema."[35]

c) From the very nature of man. The human soul is a spiritual being having both intellect, whose object is universal truth, and will, whose object is universal good. But such a being is necessarily free. Therefore the human soul has free choice. The major of this syllogism is supposed to have been proven more than sufficiently in psychology. But the minor is plain even from the terms themselves. For the will, which is led by the intellect knowing every truth and which does not tend necessarily toward this or that good, but toward universal good, consequently has the faculty of choosing among diverse goods, and therefore is free.

d) From the testimony of conscience. alpha) Any man of sound mind is intimately and most certainly conscious to himself that he is able to do this or that and has liberty of choice. But such a testimony, so universal and so certain, cannot be false, because otherwise that error would have to be imputed to the Creator Himself, who so created human nature. **beta)** Any man voluntarily committing sin suffers remorse of conscience. But remorse of conscience would be inexplicable if the sinner were not intimately convinced that he could and should have acted otherwise. For no one has remorse of conscience about a necessary and inevitable thing, although he can grieve over it. Thus, for example, a son grieves vehemently over the unexpected death of his father, but he does not have remorse of conscience unless he has in some way voluntarily caused the death of his father. Remorse of conscience has been acknowledged not only by Christians, but even by pagans themselves, who fashioned it under the name of the Furies or Erinyes.

For fuller arguments for free choice, as also objections against it, see Billuart[36] and other authors who defend man's free choice expressly.

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[31] For the opinions of moderns see Cathrein, *Moralphilosophie*, 6th ed., vol. 1, book 1, chap. 2, § 2.

[32] Ecclus. 15:17 sqq.

[33] Jos. 24:15. Cf. also Ps. 94:8; Prov. 8:10; Is. 66:3-4; Matt. 19:17; 1 Cor. 7:37; 1 Thess. 5:21.

[34] Council of Trent, sess. 6, can. 4 on justification (Denz. 814).

[35] Ibid. can. 5 (Denz. 815). Cf. also several condemned propositions of Baius, Quesnel, and Jansenius, for example, prop. 66 of Baius: "Violence alone is repugnant to the natural liberty of man" (Denz. 1066); prop. 67: "Man sins, even damnably, in that which he does necessarily" (Denz. 1067).

[36] *De act. hum.* diss. 2, a. 1, or in Cathrein, l. c.

52. 2. Perfect and imperfect. Perfect is that which proceeds from perfect and formal cognition of the end; imperfect, on the contrary, is that which arises from imperfect cognition of the end. Therefore this division is taken from the part of cognition and advertence. Perfect and formal cognition of the end is had when not only the thing which is the end is apprehended, but also the account of the end and the proportion of the means to the end are known intellectually.[37] Such cognition is found only in rational creatures, which act with full advertence and cognition. If such advertence and perfect cognition is lacking, the voluntary is imperfect, or, as it is customarily said, the act is imperfect; for example, all second-first acts, such as the acts of one half-asleep, acts produced under the influx of vehement passion, etc. - The imperfect voluntary also belongs to brutes; for they act from an intrinsic principle with some material perception of the end and of the means to the end.[38]

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[37] Cf. *S. theol.* I-II, q. 6, a. 2.

[38] Cf. ibid. and Billuart, *De act. hum.* diss. 1, a. 1.

53. 3. The voluntary simply and in a certain respect. Just as the preceding division was taken from the part of cognition, so the present division is attended to from the part of volition. The voluntary simply, or pure voluntary, is customarily called that toward which the will is borne without any repugnance whatever; for example, toward an honest and altogether fitting delectation. But the voluntary in a certain respect is that toward which the will is indeed borne, but with a certain reluctance; for some evil is mixed with the good willed, for example, a sick man, in order to recover health, wills medicine, which nevertheless, because it is very bitter, he takes with some reluctance.[39] This voluntary in a certain respect is also customarily called the mixed voluntary, because it is mixed from the voluntary and the involuntary; and therefore some authors prefer to speak of the involuntary in a certain respect. It is a dispute about words.

Note. Even the voluntary in a certain respect is truly voluntary in a particular case, and therefore a perfect human and moral act. Wherefore if such a voluntary is compared with the adjoining involuntary, it is customarily called voluntary simply and involuntary in a certain respect. For example, for a sick man to take bitter medicine is voluntary simply and involuntary in a certain respect; to merit hell is for the sinner voluntary simply and involuntary in a certain respect. For although to go into hell is altogether involuntary, nevertheless the sinner does not wish to desist from sin, with which the punishment of hell is joined; and thus by accident it comes about that to go into hell is voluntary simply.

[39] St. Alphonsus (*Theol. mor.* c. 5, preliminary tract IX) and several modern writers explain this distinction thus. Others, for example, Lehmkuhl (*Theol. mor.* I, 57; Frins, *De act. hum.* I, 282), give another explanation.

54. 4. Direct voluntary and indirect voluntary. The first (which by some is called the voluntary in itself)[40] is that which is intended in itself and is the immediate intended object; for example, theft by a thief. The other (which sometimes is called the voluntary in the cause) is that which is not intended immediately and by reason of itself, but for this reason, that it is inseparably (as an effect or accessory or otherwise) joined with some other thing which is efficaciously sought; for example, in danger of shipwreck sailors cast goods into the sea in order to save life. The casting of the goods is an indirect voluntary; for it is not intended, but rather would be avoided, if it were possible. But because the saving of life, which is intended before all other things, cannot be had without the casting of the goods in this case, hence the casting of the goods into the sea is also indirectly intended by those sailing. Since cases of the indirect voluntary occur very often, indeed pervade almost all Moral Theology, and not rarely are of difficult solution, in the following paragraph this matter will be treated more specially.

[40] Several theologians rightly, with St. Thomas, distinguish the direct and indirect voluntary from the voluntary in itself and in the cause. These are the words of the Angelic Doctor: "Something can be voluntary either according to itself, as when the will is borne directly into it; or according to its cause, when the will is borne into the cause and not into the effect, as is plain in him who voluntarily becomes drunk; for from this, what he commits through drunkenness is imputed to him as if voluntary.... Something is called voluntary directly or indirectly: directly indeed that into which the will is borne; but indirectly that which the will could have prohibited, but did not prohibit" (*S. theol.* I-II, q. 77, a. 7). But because this distinction does not seem to be of great moment for practice, we omit it. For the same things in practice are valid concerning the morality of the indirect voluntary and of the voluntary in the cause.

55. 5. Positive and negative voluntary. The first proceeds from the will through a positive and directly elicited act; for example, someone takes away another's property. The other consists in the voluntary omission of a due act; for example, some administrator of goods sees goods committed to him being taken away, but omits to prevent such theft. That which follows from such an omission is called by St. Thomas the indirect voluntary.[41]

There are still other divisions of the voluntary; for example, expressed, tacit, explicit, implicit, actual, virtual, habitual, interpretative voluntary, etc. All these indeed will be explained in their proper places, when they occur, and especially when there will be discussion of the intention necessary in contracts, vows, sacraments, etc.

[41] *S. theol.* I-II, q. 6, a. 3.

56. Scholion. On the involuntary. The involuntary must be distinguished from the non-voluntary. The involuntary is an act or effect which happens against the will; but the non-voluntary happens without the will of the agent. Wherefore the Angelic Doctor says: "The non-voluntary is said by the mere removal of the act of

the will, but the involuntary is said by this, that the will is contrary to that which happens; whence sadness follows upon the involuntary, which nevertheless does not always follow upon the non-voluntary. For it sometimes happens that someone approaches one not his own, whom he believes to be his own (wife), although he does not actually will to approach one not his own, because he does not know that she is not his own; yet he wills habitually, and would will actually if he knew; whence when afterward he perceives that she was not his own, he is not saddened, but rejoices, unless he has changed his will."[42] Theologians are accustomed to say: Concomitant ignorance does not cause the involuntary, but the non-voluntary.[43]

Since the involuntary is contrarily opposed to the voluntary, and since for the voluntary the consent of the will and the cognition of the intellect are essentially required, hence whatever takes away either consent or cognition causes the involuntary. Because of defect of consent, all things which occur coercively are involuntary; but because of defect of cognition, those things are involuntary which occur from antecedent ignorance, as was already said above.

The involuntary is divided into perfect (which others call involuntary simply) and imperfect (which also is customarily called in a certain respect). The first is that which in no way is sought by the will and to which the will resists with every effort; for example, a martyr who by external violence is compelled to sacrifice to an idol exercises a perfectly involuntary action. The other is that to which the will resists not with every effort, but languidly; indeed because of some other good to be had it admits it. For example, the casting of goods done by a merchant because of danger of shipwreck in order to save life is involuntary in a certain respect or in an imperfect manner.

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[42] St. Thomas, *Quaest. disp. de malo* q. 3, a. 8.

[43] *S. theol.* I-II, q. 6, a. 8.

§ 2. On The Indirect Voluntary Or Voluntary In The Cause

Preliminary note. The doctrine concerning the indirect voluntary or voluntary in the cause is of the greatest moment for practice and is, as it were, a key by which many and difficult cases must be solved, for example, concerning cooperation, scandal, the causing of damage, etc. But since these things come chiefly into use in evil effects which are indirectly voluntary, now for the sake of brevity we treat only of the *evil indirectly voluntary*. For if the indirectly voluntary is something good, then either **a)** it is joined with another good effect, and thus each effect remains good and the goodness of the whole is increased, or **b)** it is joined with another (principal) evil effect, and thus the whole, notwithstanding the secondary good effect, becomes evil according to the adage: Good is from an integral cause, evil from any defect whatsoever. - Human actions, although they are singular, often have several effects; for they are after the manner of the motion of some wheel in an artful machine. If one wheel is moved, the others also receive an influx. Thus, for example, a father of a family laboring diligently procures for himself wages, honor among his fellow-citizens, love with his wife, internal peace, etc.; conversely, a father of a family getting drunk causes for himself material losses, quarrels in the family, scandal for his children, etc. Hence it is clearer than light how great is the moment of the doctrine concerning the morality of several effects following from one cause.

57. Principle. It is permitted to posit an action good or indifferent in itself, of which there is a twofold or multiple effect, namely, one or another good effect and one or another evil effect, if:

1. the good effect is immediate;

2. the end of the agent is honest;

3. there is a proportionately grave cause.[44]

The same principle can also be enunciated in this way:

Four conditions are required in order that the evil indirect voluntary be licit: **1.** an action good in itself or at least indifferent; **2.** the immediate effect good; **3.** an honest end; **4.** a proportionately grave cause.[45]

It is explained: 1. Before all else it is required that the action posited be good in itself or at least indifferent. Wherefore it is never permitted to perform actions evil in themselves, such as, for example, to lie, to blaspheme, to fornicate, etc., although the best effect is hoped for from them. The reason is that evils are not to be done that goods may come. - But for judging theoretically whether an action is good or indifferent in itself, one must first look to the end of the work or the moral object to which the action from its own nature and immediately is ordered. For acts, as the scholastics teach, are specified from the moral object. But I say moral object and not physical, because one and the same physical act perpetrated by diverse persons can have a diverse moral object, but not a diverse physical object. Thus, for example, to kill a man is an act whose physical object is the violent destruction of human life; this object indeed does not morally specify the human act, but can be either morally good, if, for example, the killing was done by a soldier in a just war, or morally evil, if, for example, a man is killed in an unjust manner. - For judging in practice whether some action is good or indifferent in itself, it helps to inspect whether the agent, absolutely speaking, has the right of positing this action and does not injure the right of another. Thus, for example, an innkeeper has the right of serving wine; an owner has the right of renting his house; and therefore these actions are good, although accidentally they are joined with the evil effect of drunkenness or prostitution.

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[44] Cf. St. Thomas, *S. theol.* II-II, q. 64, a. 7.

[45] Cf. Marc-Raus, *Inst. mor.* I, n. 315; Noldin, *De principiis* n. 83.

58. 2. Then it is required that *the good effect be immediate*, that is, that the evil effect not precede it, but follow it. This is plain from the text of St. Paul: "Let us not do evil things, that good things may come."[46] For this reason it is not permitted to steal money from a very rich man in order to give alms to a poor man; it is not permitted to kill an infant in the mother's womb in order to save the mother's life; a girl pregnant from a crime cannot licitly procure an abortion in order to save her honor. Besides, this condition seems almost to coincide with the first. For if the first effect is morally evil, the action itself also, which produces this effect, is morally evil in itself. For an action is specified from the object or end of the work, as will be proved below. But the end of the work is that which the work first produces, or is the first effect of the action.

But if many authors teach that it suffices that the good effect be equally immediate as the evil effect, this seems to be impossible, at least in practice, because the immediate effect is the end of the work. But the end of the work is one and not twofold, just as the essential form of any one thing is one and not twofold. Nor is any example brought forward by those authors in which truly the good and evil effect are equally immediate. On the contrary, the good effect always precedes or is preceded. Hence the Angelic Doctor forcefully proclaims: "The same act in number, insofar as it once goes forth from the agent, is not ordered except to one proximate end, from which it has its species."[47] Since these things are so, it seems better to me to express the second condition in this way, if it is to be expressed: it is required that the good effect follow *per se* and as if necessarily, but the evil effect only *per accidens* from such an action, namely, because of particular circumstances which occur to the agent against his will. Thus, for example, an innkeeper can for a grave reason sell wine to him who is now about to become drunk. Why? Because the effect which follows *per se* and necessarily from the sale of wine is licit commerce and honest profit; but that in these circumstances, which

do not depend on the innkeeper, some evil follows, namely, the drunkenness of the drinker, this is altogether *per accidens*, nor is it necessarily joined with the sale of wine, although here and now that evil effect is infallibly produced.

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[46] Rom. 3:8.

[47] *S. theol.* I-II, q. 1, a. 3 ad 3.

59. 3. Moreover it is required that *the end of the agent be honest*. For although a good end does not render evil means honest, nevertheless an evil end defiles all things, whatever means have at last been employed.[48] Therefore the agent is bound to intend only a good end; but he can bear himself permissively toward the evil effect foreseen. For example, a confessor hearing most shameful sins in the confessional feels grave temptations and dishonest carnal movements. Nevertheless he licitly hears confessions of this kind, provided, however, that he intends a good end, namely, the salvation of the soul, the honor of God, etc., and bears himself only permissively toward those evil effects, which he not only does not seek, but detests. On the contrary, it is not licit to dig a pit on one's own land with the (inordinate) intention that an enemy may fall into it and be gravely injured. For although to dig a pit on one's own land is a good or indifferent action, nevertheless the intended end is dishonest.

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[48] Cf. below n. 121 sqq.

60. 4. Lastly it is required that there be *a proportionately grave cause* for acting and permitting the evil effect. For the evil effect, although it is joined with the work of the agent beside the intention, always remains a material sin; indeed not rarely it induces grave danger of formal sin. Further, it is not licit to effect material sins, and especially it is not licit to expose oneself to the danger of formal sin, without a proportionately grave cause. I say proportionately grave; for the greater the malice of the effect is, the greater the excusing cause required. But what cause in a particular case is truly proportionately grave must not be weighed from one point. One must consider the circumstances. First, it must be seen whether from the omission of the action which produces two effects, one good and the other evil, some notable harm would truly follow. If not, the action must be omitted; for example, a bookseller who does not offer some dangerous book in his shop indeed loses a small profit, but he does not suffer notable harm. In this case the merchant must desist from such a sale. - On the contrary, if great harm would follow from the omission of the action, it is permitted to complete the action; for example, a confessor experiences vehement temptations; nevertheless he is not bound to desist from hearing confessions, because otherwise great harm would arise for him. - Then it must be seen whether the cause produces the evil effect proximately or only remotely. In causes proximately influencing, a greater motive is required than in those acting remotely. Thus, for example, a very urgent cause is required so that a maidservant may be able to exercise service in some house in which she is often allured to sin by the son of the family; but a much lesser motive would suffice if not the son of the family, but some stranger not so frequently coming into this house, were soliciting her to sin. Generally it can be said: A greater excusing cause is required in proportion as

1. the evil indirectly willed is more grave;

2. the action influences this evil more nearly;

3. the evil truly follows more certainly;

4. the obligation from office of impeding this following evil is greater.

61. Resolves: 1. Soldiers who in a just war attack a city licitly discharge war-cannons, even if from this innocent private persons perish. The reason is that the action, namely, the discharge, is just; the end of the agent is good, namely, the punishment of the enemy; and finally there is a proportionately grave cause.

2. A priest who from confession alone knows that some man is in the state of mortal sin licitly gives communion to him asking for it. The reason is that to give communion is a good action; the end of the priest is good, just as there is also a proportionately grave cause, namely, the preservation of the sacramental seal.

3. A physician who, in treating a sick woman, suffers grave temptations and carnal movements, can licitly continue the care, if a proportionate cause exists. The reason is that the curative action is honest, the end is honest, and a proportionate cause is present. Likewise a physician can, from a proportionate cause, administer medicine necessary for obtaining the health of a pregnant woman, although he foresees that an abortion will follow *per accidens*. The reasons are the same. But it is never permitted directly to procure an abortion, since this is the direct killing of an innocent man and therefore an intrinsically evil action.

4. A witness cannot perjure himself in order to save the life of the accused. The reason is that to perjure oneself is an intrinsically evil action.

5. A wife cannot render the conjugal debt to an onanist husband unless there is a grave cause. The reason is that although to render the conjugal debt is a good act and the wife's end is right, nevertheless without grave cause it is not permitted to cooperate materially so proximately with the sin of another.

62. Scholion. Several authors, speaking of an evil effect indirectly voluntary, add other conditions, namely, that the agent then only is bound to avoid the evil effect, or that then only the evil effect is imputed to him, if **a)** he foresaw (at least confusedly) the evil effect; **b)** if he was able not to posit the cause; **c)** if he was obliged not to posit the cause. But the first and second condition are verified not only in the indirect voluntary, but in any act whatever done by man. For an effect which he did not foresee, or whose cause he was not able to avoid, is never imputed to the agent. The reason is that in each case the free voluntary is lacking. But the third condition is precisely the point of the question. For our investigation turns on this alone: when a man is bound not to posit a cause from which a twofold effect follows, one good, the other evil. Since these things are so, those three conditions are better omitted in the explanation of the indirect voluntary.

§ 3. On The Enemies Of The Voluntary

Preliminary note. As appears from what was said above, n. 49, the voluntary is not the same as the free. For the sake of brevity we here treat together those things which attack the voluntary and the free. But since for a perfect voluntary act two principles are required, namely, cognition of the intellect and consent of the will, therefore whatever either takes away or diminishes either one also takes away or diminishes the voluntary, and is customarily called an enemy of the voluntary. Enemies of the voluntary of this kind are enumerated as six: 1. ignorance, 2. violence, 3. fear, 4. passion, 5. habit, 6. certain morbid states of the body. Each must be treated singly; nevertheless ignorance is omitted, of which sufficient discussion has already been had above. - Passion and habit are not always enemies of the voluntary, as will be said below in their places.

1. On Violence

63. Notion. Violence (coercion, force), or the violent, is that which proceeds from an extrinsic principle, while he who suffers force is altogether resisting.[48a] From this definition it follows that two things are required for a violent act, namely: 1. that it proceed from an extrinsic principle; 2. that it occur with complete repugnance, that is, external and internal, on the part of him who suffers force. Hence no one is able to inflict violence

upon himself; for he is not an extrinsic principle to himself. Sometimes even vehement fear is called violence in a certain respect, but here we speak of physical and absolute violence, or of violence in the strict sense, concerning which the following principles are valid:

[48a] Concerning the difference between the violent, the coerced, the necessary, and the involuntary, see Billuart, *De act. hum.* diss. 1, a. 5.

64. Principle 1. No internal act of the will can be extorted by any external violence.

The reason is that the will is a spiritual faculty whose essential mode of operating is liberty. But it is repugnant that the same act should be at the same time free, as elicited by the will, and at the same time coerced, as caused by a violent external principle. Wherefore violence can indeed attack, but not conquer, an unwilling will.

Hence the old Roman law briefly established: "a coerced will is a will"; and St. Anselm says elegantly:[49] "One cannot will unwillingly, because one cannot will while not willing to will, for everyone willing wills his very willing." St. Thomas[50] teaches: "Violence is directly opposed to the voluntary, as also to the natural ... just as in things which lack cognition violence makes something contrary to nature, so in knowing things it makes something be contrary to the will. But that which is contrary to nature is said to be unnatural, and similarly that which is contrary to the will is said to be involuntary; whence violence causes the involuntary." Indeed St. Bonaventure[51] teaches that not even by God Himself can violence be inflicted upon the will. "Therefore the will can be induced by a created agent; but it cannot be changed by another except by an uncreated agent; but it cannot be coerced by anyone." St. Thomas says the same:[52] "God can change the will by necessity, yet He cannot coerce it." Nor does this detract from the full dominion of God; for although God cannot inflict violence upon the human will, since this is repugnant (just as generally God can do nothing which is intrinsically repugnant), nevertheless by various modes He is able infallibly to move even our rebellious wills and to change them at His nod.

[49] *De lib. arbitr.* c. 5 (Migne, *Patr. lat.* 158, 496).

[50] *S. theol.* I-II, q. 6, a. 5.

[51] In II, dist. 25, pars 2, a. un., q. 5.

[52] *Quaest. disp. de verit.* q. 22, a. 8.

65. Principle 2. External acts of the will, that is, all acts which can be commanded by the will, can be caused by extrinsic violence.

The reason is that these acts (at least if you except the proper act of the intellect) are exercised by means of a sensible organ. But an extrinsic principle can act violently upon a sensible organ, however much the will inwardly resists. Thus, for example, the eyes can be compelled to seeing, the ears to hearing, notwithstanding the resistance of the will. In a psychopathic state a man pronounces certain words and performs certain movements, although the will resists (*Zwangsreden*, *Zwangshandlungen*). Thus likewise a luxurious delectation can be violently produced by an external agent, however much the will resists. Hence also the devil can violently produce obscene images in the phantasy, and by means of those phantasms indirectly move (but not coerce) both the will and especially the intellect. But the devil cannot directly move the human intellect nor know its thoughts without the consent of man. God alone can directly coerce the intellect of man.[53]

[53] Cf. *S. theol.* I, q. 57, a. 4 and I-II, q. 80, a. 2.

66. Corollaries. From what has been said it follows:

1. Internal acts are morally imputed, however much a man has suffered violence; for they remain voluntary. For example, a man sins who under a most vehement diabolical temptation consents to morose delectation.

2. External acts caused by violence are not imputed,[54] provided the man has restrained internal consent and has manifested his displeasure also externally. The reason is that such acts are altogether involuntary. Hence, for example, a woman who is violently oppressed immodestly does not sin, provided that inwardly she does not consent and also seriously manifests her displeasure outwardly. - Authors are accustomed here to ask whether a woman in this case is bound rather to suffer death than her own violation. That a woman in these circumstances can rather choose death than her own violation, all teach, both because, on account of the great delectation following from a libidinous act, some danger of interior consent is present, and because bodily integrity is a great good, which by some is equated with life. - Some deny, others affirm, that a woman then is bound to prefer death. St. Alphonsus[55] says concerning this matter: "The first opinion (namely, the negative), speaking speculatively, does not seem to lack its probability. Yet it must not be denied that the second, affirmative opinion is altogether to be urged in practice; at least because of the danger of consent, which can easily be present in that permission." It seems to me that this case pertains rather to fear than to violence. For a woman under fear of death is accustomed to be induced to permitting rape. Besides, the denying opinion is safe in practice; for there does not seem to be such a proximate danger of sinful consent, since the woman (inwardly abhorring that act with all her strength) will be so sorrowful because of the unspeakable disgrace that she will perceive no carnal delectation, as the example of the woman, even pagan Lucretia, oppressed by Tarquin, shows. Moreover, fear and disturbance of spirit will be so enormous in those circumstances that the use of reason is considered very much diminished. Whence no strict obligation exists of preferring death to violent oppression.[56]

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[54] Code of Canon Law, c. 103, § 1, and c. 2205, § 1.

[55] *Theol. mor.* l. 2, n. 368.

[56] Thus also Billuart, *De act. hum.* diss. 1, a. 6.

2. On Fear

67. Notion. Fear is customarily defined as "a trembling of the mind because of an imminent or future danger."[57] It is said: *a trembling of the mind*, to signify not a purely sensible fear, insofar as it is the passion of fear, but fear which is perceived by the mind and affects the will. Fear accepted in this sense properly moves the will to doing or omitting something because of an impending evil. But the evil which causes fear is not yet present; for if it is actually present, it causes sadness and not fear. Yet there is present the danger of an imminent or future evil, and indeed of an arduous evil which cannot easily be avoided. For if such an evil can easily be avoided, it does not cause fear. Nor is it necessarily required that the evil threaten the very person of the agent, but it suffices that it also threaten persons joined to the agent. Hence, for example, a father can be struck by grave fear because of an evil which threatens his son.

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[57] Thus Ulpian (*Ad edict. Praetoris* l. 1, D. IV, 2); this definition indeed is already found according to its sense in Aristotle, *Rhetoric* l. 2, c. 5: fear is a pain or disturbance arising from an image of a future destructive or painful evil.

68. Divisions. Among the many divisions of fear or dread, the following are the more principal:

1. Fear struck from within or from without. The former is caused by a cause intrinsic to man or by a natural cause, for example, from illness, a storm, contagion, etc. The latter is caused by a free extrinsic cause, for example, by a man, a demon, etc.[58]

2. Grave and light fear. Grave fear arises from the imminent danger of a grave evil, for example, of death, mutilation, grave beating, grave infamy, the loss of a notable quantity of goods, etc., and is said "to fall upon a constant man," that is, it moves not only women and timid men, but also a constant man. - Grave fear is either absolutely grave or only relatively grave. That fear is considered absolutely grave which is accustomed to move every man and whose object is truly grave. That fear is considered relatively grave whose object is indeed in itself light, which nevertheless vehemently moves a determined person because of his special qualities; for example, a timid daughter vehemently fears her father's punishment, which nevertheless, taken objectively, is not so grave an evil. - Light fear is that by which either a light evil is feared, or there is present a light danger of a grave evil; for example, if some robust person because of fear of rain, dust, or mud were to omit Mass on a feast day.

Note. Reverential fear, by which a subject fears the offense or indignation of a superior, for example, a son fears the offense of his father,[59] is customarily reduced to light fear (at least in the external forum). But in the internal forum reverential fear sometimes becomes grave, namely, if the offense of the superior is held as a grave evil; for example, if the offense of the superior is lasting, if threats and very troublesome quarrels are deservedly feared. But in order that reverential fear be held grave, even in the external forum, strict proof is required, namely, that the reverential fear is *qualified*, that is, that the offense and indignation of the superior cause grave evils. This case indeed can occur if the validity of marriage is impugned because of a defect of consent caused by reverential fear.[60]

3. Fear justly and unjustly struck. Fear is justly struck when it is caused by a legitimate person and in due manner. Thus, for example, the father of a deflowered daughter strikes just fear into her deflowerer if he threatens to hand him over to the judge. Fear is unjustly struck when someone threatens another with evil without sufficient cause or even altogether injuriously. Thus, for example, there would be unjust fear if the same father threatened the deflowerer of his daughter with death unless he were willing to take the deflowered daughter as wife; still more unjust is the fear which a robber casts upon a traveler, saying: Your life or your purse!

4. Antecedent and concomitant fear. The former precedes the action and causes it; for it moves the will to acting. Whence he who suffers such fear acts from fear; for example, a traveler from antecedent fear is moved to giving money to a robber. - The other fear accompanies the action which it not only does not cause, but rather would impede, if this were possible. Thus in the example brought forward the robber receives the money from the traveler with dread or fear; for he fears lest he be seized and punished by the judge. Concerning concomitant fear we shall no longer speak in what follows.

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[58] Thus Laymann (*Theol. mor.* l. 1, tract. 2, c. 6, n. 3), D'Annibale (*Summula Theol. mor.* I, 138), Aertnys-Damen (*Theol. mor.* I, n. 19), and others explain this division. Other authors understand the same division otherwise, calling fear struck from without that which is struck by any extrinsic cause whatever. Thus, for example, Noldin (*De principiis* n. 55) calls fear of death from shipwreck fear from without. There is indeed no need to dispute about words, but confusions must be carefully avoided. Besides, all agree that fear caused by an external natural or necessary cause is assimilated to fear struck from within.

[59] Cf. *Act. Ap. Sed.* IV (1912), 647, in the Lyons case.

[60] Cf. below, in the treatise on marriage, the impediment of defect of consent. On the diverse acceptations of reverential fear see D'Annibale, l. c. In practice these controversies are of small utility.

69. What influence does fear exercise upon human acts?

Principle 1. Antecedent fear takes away the voluntary if it is so vehement that it impedes the use of reason; otherwise it is accustomed only to diminish it.

It is explained: a) It is evident from experience that sometimes fear is so grave, especially in timid men, that the use of reason is entirely taken away; indeed women, from sudden fear, not rarely lose consciousness. It is plain of itself that in these cases a voluntary act does not subsist.

b) Apart from those cases, no fear entirely takes away the voluntary. The reason is that under the influence of fear sufficient cognition of the intellect persists and the will remains free. For if not even physical violence itself is able to coerce the will, as was said above, *a fortiori* fear, however grave, cannot do this. Hence that known adage: "He who prefers, wills." Yet it is conceded that fear diminishes the voluntary; for when fear is absent the action would not occur, and a man under the influence of fear indeed acts, but with internal repugnance. For this reason the scholastics briefly and truly said: An act produced from fear is voluntary simply and involuntary in a certain respect.[61]

But the same scholastics immediately added a clause to this proposition, namely: Fear causes the involuntary in a certain respect only when the work produced because of fear is *evil accepted according to itself*, for example, to throw goods into the sea, but not truly when it is evil only under some particular respect, while in itself it is good, as to lay aside affection toward sin because of fear of hell is a work good in itself, although it appears evil to the sinner not yet penitent. This clause indeed seems altogether necessary. For he who from fear of hell observes the commandments of God and declines from sins does not act with an imperfect and indirect voluntary, as if observance of the commandments were involuntary to him in a certain respect. For then (acting from purely servile fear) he would still have an evil affection toward prohibited things, nor could he be pleasing to God. But the reason is that observance of the commandments, although perhaps first begun by fear of hell, is nevertheless in itself something good; and it can, indeed also must, be intended, even if there were no hell. Whence it follows that good operations which are done from fear of hell (yet not from purely servile fear) are not less voluntary, nor do they lose their moral goodness.[62]

Corollary. From the principle thus established it is deduced that sin which from its object is mortal, or that which is intrinsically gravely evil, never becomes venial, however much it is done from fear; for it always remains sufficiently voluntary.[63] Hence if someone denies the faith from fear of death, or if someone fornicates from grave fear, he sins gravely. It is otherwise with those things which are not intrinsically evil, but evil because prohibited by positive law, as will be said at once.

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[61] St. Thomas says that those things which we do from fear "are voluntary simply and involuntary in a certain respect" (*S. theol.* I-II, q. 6, a. 6). But if the same Angelic Doctor elsewhere (ibid. II-II, q. 142, a. 3) says that those things which are done from fear "are not simply voluntary, but mixed," he does not contradict himself, but takes the word "simply" in another sense, namely, for "purely" or "altogether" or "from every part."

[62] Billuart, *De act. hum.* diss. 1, a. 7, and John of St. Thomas, Commentary on *S. theol.* I-II, q. 6 at the end, discuss very well this sufficiently difficult matter, which is of great moment for the right understanding of attrition.

[63] Cf. Code of Canon Law, c. 2205, § 3.

70. Principle 2. Positive laws (whether divine or human) are not accustomed to oblige under grave fear, or, as it is said, they do not oblige with grave inconvenience.[64]

It is explained: Acts prescribed by those laws are not so good that their omission is intrinsically evil, and therefore legislators are not considered to have had the intention of obliging their subjects to the observance

of the law even in such great straits. Hence, for example, no one is bound to hear Mass on days of precept if he reasonably fears grave bodily or material harm; no one is bound to satisfy the positive precept of confessing all mortal sins if there is present grave danger of some great inconvenience, which is accidentally and extrinsically joined with confession.[65] The guardian of a money-chest, because he is driven by robbers under fear of death or wounding to handing over the key of the chest, can hand it over.

But I have said: Positive laws are not *accustomed* to oblige under grave fear; for sometimes positive laws oblige even with danger of life, namely: **a)** when otherwise the common good would be endangered - wherefore a soldier is bound to remain at his watch, although he fears the greatest danger of death; **b)** when transgression of the law would yield to contempt of the faith or of ecclesiastical power or to the harm of souls.[65a] Hence the Maccabees, whom the tyrant threatened with death unless they ate swine's flesh in contempt of the law, preferred to undergo death rather than violate the commandment of the Mosaic law. Yet in this latter case the obligation comes rather from natural law, that is, from the obligation of avoiding scandal, than from positive law.

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[64] Code of Canon Law, c. 2205, § 2, establishes: "Grave fear, even only relatively so ... commonly takes away a delict entirely, if there is question of merely ecclesiastical laws."

[65] Cf. below, On the Integrity of Confession, II, n. 328.

[65a] Code of Canon Law, c. 2205, § 3.

71. Principle 3. a) Acts and contracts entered into from grave fear unjustly struck in order to extort consent are indeed valid of themselves; **b)** yet they can afterward be rescinded; **c)** indeed some contracts (or acts) entered into from fear are declared by positive law invalid of themselves. This principle has also been established by the Code of Canon Law, c. 103, § 2.

It is explained: a) Fear is not accustomed to take away the voluntary, as was said. But for the validity of an act or contract nothing else is required of itself than the voluntary consent of those contracting and a fit thing.[66]

There are some authors, for example Billuart,[67] who think that those contracts whose object is only liberation from vexation or from unjust fear are invalid by natural law, because this liberation from vexation or from unjust fear is already owed from justice and therefore cannot be sold. But this reason does not seem to be sufficient, because otherwise all contracts entered from unjust fear would be invalid; yet this is not true. And truly he who enters some contract because of grave fear always wishes to free himself from unjust vexation. Hence he who gave a sum of money to a robber threatening death entered into a valid contract, but afterward can compel the robber to restitution.

b) He who enters a contract from grave fear unjustly struck has suffered a grave injury, from which he can free himself through rescission of the contract, as positive laws also rightly establish.[68] This matter will be treated more broadly below, II, n. 258.

c) Certain contracts or acts are invalidated by positive ecclesiastical law by the very fact that they are entered into under grave fear, for example, vows,[69] entrance or admission into the novitiate and religious profession,[70] marriage contracted from grave fear unjustly struck,[71] a vote in an ecclesiastical election,[72] absolution from censures and other ecclesiastical penalties,[73] renunciation of ecclesiastical offices.[74]

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[66] Billuart, *De contractibus* diss. 1, a. 4. St. Alphonsus (*Theol. mor.* l. 3, n. 716) calls this opinion more probable and most common. But many teach the contrary, for example, Laymann (*Theol. mor.* l. 1, tract. 2, c. 6).

[67] L. c.

[68] Cf. Code of Canon Law, c. 1684.

[69] Ibid. c. 1307, § 3.

[70] Council of Trent, sess. 25, on regulars, c. 19; Code of Canon Law, c. 542, n. 1; c. 572, § 1, n. 4.

[71] Code of Canon Law, c. 1087.

[72] C. 3 in VI, I, 6; Code of Canon Law, c. 169.

[73] Code of Canon Law, c. 2238.

[74] Code of Canon Law, c. 185.

3. On Passion or Concupiscence

72. Notion. Passion can be taken in diverse ways.[75] For our purpose it is enough to indicate two acceptations:

1. According to Aristotle, passion is a motion of the sensitive appetite arising from the imagination of good or evil with a bodily transmutation. It is called **a)** *motion*, that is, act or operation, because in the Aristotelian sense passions are not habits, but commotions or acts, which nevertheless are called passions because they are produced by imagination and bring in bodily disturbances,[76] as will be said at once. It is called **b)** *of the sensitive appetite*, because neither the intellect nor the will properly elicits these acts, but the appetite, either concupiscible or irascible. It is called **c)** *from the imagination of good or evil*, because passions arise through some good or evil object vividly represented by the imagination. It is called **d)** *with a bodily transmutation*; Aristotle adds: "especially about the heart," because passions are vehement bodily commotions, which are especially felt in the heart: palpitations of the heart, a swifter flow and reflux of the blood, heat or cold, etc. For experience establishes that a man under the influence of passion has most intense bodily commotions. - Passions accepted in this Aristotelian sense are purely sensitive acts (*Regungen des sinnlichen Strebevermögens, Gemütsbewegungen, émotions*); they are neither good nor evil and are found in every man.[77] Therefore even in Christ there were passions, who said: "My soul is sorrowful even unto death,"[78] and of whom the evangelist narrates: "He looked round about with anger."[79] Passions can be very useful in performing arduous acts; hence the zeal and indignation of Phinees is praised.[80]

2. According to the Stoics, Plato, and the common usage of modern authors, passions are disordered acts or habits of the sensitive appetite. Hence they are called diseases of the soul and entice men to many sins.[81] Such passions would better be called *vices*;[82] thus, for example, excessive love of riches is called avarice, excessive inclination to anger is called irascibility.

Concupiscence is taken in a threefold sense: **1.** insofar as it is a special passion, namely, desire; **2.** insofar as it is the same as passion in general; in this second sense we speak here of concupiscence; **3.** insofar as it is the depraved inclination of the appetite (inferior and superior) vitiated by original sin. In this sense St. Paul says: "Sin (original) wrought in me all concupiscence" (Rom. 7:8). St. James (1:14) says: "Every one is tempted by his own concupiscence, being drawn away and allured."

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[75] Cf. *S. theol.* I-II, q. 22, a. 1.

[76] Hence St. Augustine (*De civ. Dei* 9, 4) says: "The motions of the soul which the Greeks call πάθη, but among us some, as Cicero, call disturbances; some, affections or affects; but some, as is held in the Greek, more expressively call passions." Cf. *S. theol.* I-II, q. 22, a. 2.

[77] *S. theol.* I-II, q. 24, a. 1.

[78] Mark 14:34.

[79] Mark 3:5.

[80] Num. 25:7 sqq.

[81] Cf. *S. theol.* I-II, q. 24, a. 3.

[82] *S. theol.* I-II, q. 45, a. 1 ad 1.

73. Divisions. Following Aristotle,[83] St. Thomas[84] distinguishes eleven passions, of which six pertain to the concupiscible appetite and five to the irascible appetite.

In the concupiscible appetite[85]		**In the irascible appetite**	
Concerning good	Concerning evil	Concerning good	Concerning evil
↑ love	↓ hatred	↑ hope	↑ daring
↑ desire	↓ flight (horror)	↓ despair	fear
↑ delectation	↓ sadness		↓ anger

Since all the passions are motions, as was said above, they vividly seek or flee either good or evil; and this motion is signified by the small arrows here placed next to each passion.

A few things must be said about each:

[83] *Ethic. Nicom.* l. 2, c. 5.

[84] *S. theol.* I-II, q. 23, a. 4.

[85] By Plato, Aristotle, and the scholastics two powers were distinguished in the sensitive appetite, namely, the concupiscible (τὸ ἐπιθυμητικόν), whose object is sensible good or evil taken simply; and the irascible (τὸ θυμοειδές), whose object is good or evil insofar as it is arduous. Cf. *S. theol.* I-II, q. 23, a. 1.

74. 1. Love (insofar as it is a passion, but not insofar as it is an act of the will or a virtue) is the first propensity or inclination toward good according to itself, abstracting from whether it is present or absent; or it is mere complacency in good represented by the imagination. Hence it is briefly defined by the Angelic Doctor[86] as "complacency in the appetible" (*Wohlgefallen*). For the appetible effects a threefold immutation in the appetitive power: first, it causes in it a certain complacency of good, which is love itself strictly taken; second, it causes motion toward obtaining this good, which is desire; third, rest in the possessed good, which is joy or delectation.[87] Love, therefore, is the father of all the other passions, just as the desire for happiness in general is the father of all human acts. Wherefore St. Thomas[88] says: "From love are caused both desire, and sadness, and delectation, and consequently all the other passions; whence every action which proceeds from any passion whatever also proceeds from love as from a first cause." The passion of love can be concerned with any sensitive good whatever. Thus, for example, there is given love of riches, of carnal delectation, etc. And this passion of love, if it is well ordered, offers to the soul the best and strongest assistance; but if it is disordered, it also produces the worst effects and utterly reduces the soul into servitude. There will be discussion below about the causes of love and its effects in the treatise on charity. Hatred is opposed to love.

[86] Ibid. q. 26, a. 2.

[87] *S. theol.* I-II, q. 25, a. 2 and q. 26, a. 2.

[88] Ibid. q. 28, a. 6 ad 2.

75. 2. Hatred, insofar as it is a passion, is an aversion from evil, as from something unfitting and harmful (*Mißfallen*). Hatred is a very vivid passion and is vehemently felt,[89] and if it is well regulated it assists the soul excellently, because it makes a man abhor every true evil with all his strength; but if this passion is inordinate, it brings forth every wicked crime. For as love is strong as death, so hatred is hard as hell. There will be discussion of depraved hatred when sins against charity and disordered vengeance are treated.

[89] Ibid. q. 29, a. 3.

76. 3. Desire is a tendency toward absent good. Wherefore it differs both from delectation, which is about present good, and from love, which is about good according to itself, as it abstracts from present or absent.[90] St. Thomas does not name this passion desire, but concupiscence;[91] modern authors, however, under the name concupiscence are accustomed to understand the whole appetite corrupted through original sin, as has already been said.

[90] Ibid. q. 30, a. 2.

[91] Ibid. q. 31, a. 3 ad 2.

77. 4. Flight, which is also called horror (*Abscheu, Schauder*), is aversion and withdrawal from future evil. For example, bodily punishments are imminent for a boy, and he immediately flees them. If someone abhors almost every bodily fatigue and every strong exertion in the exercise of religion and the labors of his state, this flight is an inordinate passion easily inducing the capital sin of sloth or acedia.

78. 5. Delectation (*Lust*), as it is taken here, is the rest of the appetite in sensible good possessed and present. But rest here is not understood privatively, or as a mere cessation from work, but positively, or as that pleasant sensation which is had if the good loved and desired has finally at some time been obtained. Delectation is not the same as joy, but extends more broadly than it. For delectation is concerned with objects both sensible and spiritual; but joy is rather concerning a spiritual object, and therefore is not found in brutes, which nevertheless are capable of delectation. Indeed delectation and joy can be opposed according to diverse respects. "For sometimes someone feels delectation according to the body, concerning which, however, he does not rejoice according to reason."[92] The passion of delectation is very easily disfigured by disorder and induces to very many sins; for inordinate sensible delectations are most frequent and most vehement. But well-ordered delectation contributes much both to working strenuously and to bravely overcoming all onrushing evils or at least tolerating them.[93] Sadness is opposed to delectation.

[92] Ibid. I-II, q. 31, a. 3.

[93] Ibid. q. 33, a. 4.

79. 6. Sadness (*Trauer*) is an affection caused in the sensitive appetite from the apprehension of present evil. Therefore the passion of sadness is a certain internal pain and is rarely good, unless it lasts briefly. For sadness lasting a long time is accustomed to have the worst effects: it renders a man, as they say, apathetic and unfit for strenuous labor, it weighs down the soul, impedes the motions of the soul and even, sometimes, the motions of the body, and often harms bodily health.[94] But if sadness lasts briefly, it is excellent; for it restrains a man from inordinate concupiscence and delectation. -

What St. Thomas discusses about the remedies of sadness[95] is conformable to experience and worthy of note. The Angelic Doctor assigns as efficacious remedies against sadness: **1)** fitting delectations, **2)** weeping, sighs,

and other outward signs of sadness; for interior pain is diminished when it is poured forth outwardly, **3)** the compassion of friends, **4)** contemplation of truth, **5)** sleep and baths.

These six passions are in the concupiscible appetite; but in the irascible appetite are found five passions, which regard good and evil not simply, but as *arduous*, which we are able to attain not without strenuous appetite, once difficulties have been overcome.

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[94] Ibid. q. 37, a. 1-4.

[95] *S. theol.* q. 38, a. 1-5.

80. 1. Hope is a tendency toward future good, difficult and arduous, yet possible of attainment. St. Thomas[96] briefly assigns the difference between hope and the other passions: "Concerning the object of hope four conditions are considered: first, indeed, that it be good; for properly speaking there is no hope except concerning good; and through this hope differs from fear, which is concerning evil; second, that it be future; for hope is not concerning a present good already had; and through this hope differs from joy, which is concerning present good; third, it is required that it be something arduous, attainable with difficulty; for one is not said to hope for some very small thing which is at once in his power to have; and through this hope differs from desire[97] or cupidity, which is concerning future good absolutely; whence it pertains to the concupiscible appetite, but hope to the irascible; fourth, that that arduous thing be possible of attainment; for no one hopes for that which he is altogether unable to attain; and according to this hope differs from desperation." - Hope is ordinarily a good passion, which assists our operations much; for it causes a certain delectation and sharpens our powers.[98] Desperation is opposed to hope.

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[96] Ibid. q. 40, a. 1.

[97] Suarez (*De passion.* disp. 1, sect. 8) thinks that hope and desire do not differ except accidentally; the opinion of St. Thomas is truer.

[98] *S. theol.* I-II, q. 40, a. 8.

81. 2. Desperation is a motion of the sensitive appetite withdrawing from an arduous good which appears impossible of attainment. Thus, for example, a sick man, knowing that the illness is incurable, despairs of recovering health. Desperation is a very dangerous passion and causes many evils. There will be discussion below, n. 548, about desperation insofar as it is a sin against the theological virtue of hope. As man can sin by defect, so also by exaggeration of hope. St. Thomas[99] aptly notes that in youths and in drunkards and others who do not use great deliberation, hope not rarely abounds, because, when difficulties have not been sufficiently considered, they easily judge themselves able to attain what they will.

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[99] Ibid. a. 6.

82. 3. Daring is an act rising up against a terrible evil, present, for the sake of overcoming it. Daring is not indeed a part of hope, but its effect,[100] and it increases and decreases with it. Sometimes daring arises from a bodily disposition; wherefore St. Thomas, citing Aristotle, says:[101] "Those who have a small heart according to quantity are more daring; and animals having a large heart according to quantity are timid, because the natural heat cannot warm a large heart as much as a small one.... Those having a blood-filled lung are more daring because of the heat of the heart consequently arising from it.... Lovers of wine are more daring because of the heat of wine."

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[100] Ibid. q. 45, a. 2 ad 3.

[101] Ibid. a. 3.

83. 4. Fear is a motion of the sensitive appetite following upon the apprehension of a future difficult evil which cannot be resisted; or more briefly: it is the dejection of a mind conquered by the gravity of danger. Fear is accustomed to effect great bodily changes, for example, pallor of the face, trembling of the voice and limbs, erection of the hairs, dryness of the throat, indeed sometimes sudden canities, disturbance of the mind, and death. Several species of fear are assigned, for example, blushing and shame, bashfulness, stupor, etc.[102] Moderate fear is very good and leads to true humility; excessive fear can cause desperation and impedes man from performing great works. Those things which were said above concerning fear in order to its influence upon the voluntary can also be applied to the passion of fear (at least in some measure).

[102] Ibid. q. 41, a. 4.

84. 5. Anger is an appetite of vengeance with a heat of blood around the heart. Anger differs from hatred. For he who hates wills evil to another as such, but an angry man wills evil to another in vengeance for an injury received.[103] Hatred of neighbor, that is, hatred of enmity, is never licit, since it is directly opposed to the virtue of charity;[104] but anger is sometimes licit, namely, when it is an appetite of just vengeance. Likewise hatred, insofar as it is a passion, can be licit, namely, if it is an ordered aversion from a true harmful evil. - Contemptuous estimation and despising are the principal motives of anger;[105] for a man is accustomed to be very angry when his neighbor knowingly and deliberately offends him, since this arises from contemptuous estimation and despising; on the contrary, he more easily forgives an offense done from inadvertence or from a passing passion. Anger can produce baneful effects in the body and also disturb the soul. On this matter St. Gregory says:[106] "The heart inflamed by the goads of its anger palpitates, the body trembles, the tongue trips itself, the face grows fiery, the eyes are made fierce, and known persons are not recognized at all; with the mouth indeed it forms a cry, but the sense does not know what it is saying." Anger is the most vehement passion, and therefore greatly needs the direction of reason. - Anger does not have an opposed passion as do the other passions enumerated up to this point. For the object of anger is a present arduous evil. Therefore the opposed passion would have to be concerned with a present arduous good. But a present good cannot be arduous, and therefore no passion can be concerned with it.

These are all the passions enumerated by the Angelic Doctor. But if modern authors add other passions, those are either not true passions or are reduced to the eleven enumerated.

Influence of Passions upon the Voluntary

[103] Ibid. q. 46, a. 6.

[104] Cf. below n. 564.

[105] *S. theol.* I-II, q. 47, a. 2.

[106] *Lib. Moralium* 5, 45. - Below in the treatise on the capital vices there will be discussion of anger and its remedies.

85. Preliminary Note. Before the influence of passions upon voluntary acts is determined, it is useful to observe that passions can stand in two ways toward the will and reason: antecedently and consequently.[107] An antecedent passion arises from causes independent of the will, for example, from bodily disposition, from natural heredity, from sudden and unforeseen commotion, etc. But a consequent passion arises in two ways: **a)** By way of redundance; for when the will vehemently seeks something, motions arise at once in the sensitive appetite; "for the will cannot be moved intensely toward something without some passion being stirred up in the sensitive appetite";[108] for example, saints most intensely loving God have experienced ecstasies and other

bodily changes; a bridegroom loving his bride more intensely feels carnal motions. - **b)** By way of election, when a man deliberately chooses to be affected by some passion, so that he may be able to act more promptly and fervently, the passion itself cooperating. For example, someone wishing to take vengeance upon his enemy first recalls to memory every injury endured, vividly presents to himself joy over the enemy humbled, and, to stimulate the blood more, drinks generous wine; by all these things a vehement passion of anger is produced by way of election. For this way of election there is not always required a positive act of the will, as in the example brought forward, but voluntary permission also suffices, as if a man voluntarily permits, for example, venereal delectation.

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[107] *S. theol.* I-II, q. 24, a. 3 ad 1.

[108] Ibid. q. 77, a. 6.

86. Principle 1. Antecedent passion diminishes the perfect and free voluntary;[109] indeed, if it is so vehement that it takes away the use of reason, it takes away every voluntary.

The reason is that antecedent passion in some measure clouds reason, vehemently impels toward action, and therefore in some measure diminishes the perfect and free voluntary, and consequently also sin. Hence sins which are committed under the influence of passion are (other things being equal) lesser and are customarily called sins of infirmity. - But if passion is so vehement that it absorbs the use of reason, it also destroys the voluntary. For where the use of reason is lacking, the voluntary also is lacking. In practice passion is rarely so vehement that it totally takes away the use of reason, unless, however, it arises from a diseased quality of the body.

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[109] As is said more broadly below n. 89, concupiscence or desire of sensitive good does indeed increase the voluntary simply so called (because, assisting and impelling it, the will is borne with greater impetus toward the object), but diminishes the perfect and free voluntary, because it diminishes the indifference of the will. Cf. *S. theol.* I-II, q. 6, a. 7, and Billuart, *De act. hum.* diss. 1, a. 8.

87. Principle 2. Consequent passion by way of election increases the voluntary.

The reason is obvious; for the will acting from consequent passion not only wills the act, but also commands the sensitive appetite to assist it in acting by means of the passion. But just as the will is more intense when it produces not only the internal act but also the external act, so also it is in this case.

88. Principle 3. Consequent passion by way of redundance does not indeed increase the voluntary, but is a sign of a more intense will.

The reason is again obvious; for if the act of the will is so vehement that it not only moves the soul but also overflows into the sensitive appetite, this surely shows that the object is sought most intensely.

The Angelic Doctor[110] thus embraces the doctrine proposed in these principles: "The passions of the soul can stand in two ways toward the judgment of reason: in one way antecedently; and thus, since they cloud the judgment of reason, upon which the moral goodness of the act depends, they diminish the goodness of the act. For it is more praiseworthy that someone do a work of charity from the judgment of reason than from the passion of mercy alone. In another way they stand consequently, and this in two ways: in one way by way of redundance, because, namely, when the higher part of the soul is moved intensely toward something, the lower part also follows its motion; and thus passion existing consequently in the sensitive appetite is a sign of a more intense will; and thus it indicates a greater moral goodness. In another way by way of election, when, namely, a man from the judgment of reason chooses to be affected by some passion, so that he may act more promptly, the sensitive appetite cooperating; and thus passion of the soul adds to the goodness of the action." -

The Code of Canon Law also introduced the same doctrine into canonical practice, establishing in c. 2206 concerning the influence of passion: "Passion, if it was voluntary and deliberately excited or nourished, rather increases the imputability of the action; otherwise it diminishes it more or less according to the diverse heat of the passion; and it entirely takes it away if it precedes and impedes every deliberation of the mind and consent of the will."

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[110] *S. theol.* I-II, q. 24, a. 3 ad 1; cf. q. 77, a. 6 and 8.

89. Scholion 1. On antecedent concupiscence. The things which have been said hold good concerning all passions. But concerning concupiscence, insofar as it is a passion of the sensitive appetite pursuing good, and insofar as it is distinguished from a sensitive motion fleeing evil, such as fear, certain special things must be noted. For there is often discussion of concupiscence of the flesh, of concupiscence of the eyes, etc. But the question is only about antecedent concupiscence, since it is plain that consequent concupiscence does nothing with respect to the voluntary or involuntary, because it follows upon the voluntary itself, but is only a sign of an intense voluntary.[111] But antecedent concupiscence increases the voluntary, yet is accustomed to diminish the free, and consequently also the sin committed from concupiscence. This proposition, considered at first sight, seems to be paradoxical, but nevertheless is most true. For antecedent concupiscence causes the apprehended good to appear greater and the will to seek it more intensely. And this is proved by daily experience. Therefore we see that those who pursue some object with love are borne toward it with greater impetus than if they were not affected by this passion; for example, a man under the influence of carnal concupiscence acts most intensely to satisfy lust. But the freedom of acting is diminished by antecedent concupiscence. For the free voluntary proceeds from an intrinsic principle with cognition of the end placed under indifference. But antecedent concupiscence greatly diminishes this indifference, because it darkens reason by exaggerating the appetibility of the object and by diminishing the evil perhaps joined to the object. Hence this concupiscence as it were gilds things vile in themselves, and everyone is said to be tempted by his own concupiscence, drawn away and allured.[112] But since sin essentially consists in an act of free choice and not in the voluntary alone, antecedent concupiscence is accustomed to diminish the sin committed from it.[113]

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[111] Billuart, *De act. hum.* diss. 1, a. 8.

[112] James 1:14.

[113] Cf. *S. theol.* I-II, q. 77, a. 6. Because many authors do not sufficiently distinguish the voluntary from the free, nor the diverse meanings of the word concupiscence, hence disagreements and confusions arise.

90. Scholion 2. On the influence of habits upon the voluntary. The things which have been said up to this point concerning the influence of passions upon the voluntary can be asserted in almost the same way concerning the influence of habits. But a habit, as it is taken here, is a constant inclination, acquired by repeated acts, toward producing similar acts.

a) A voluntary habit, that is, one caused and foreseen from free acts and not yet efficaciously retracted, increases the voluntary and does not diminish the free. The reason is that it offers to the will facility and propensity for acting; but the will freely consents to its influence. Hence good habits produce very good acts, for example, acts of virtues; but bad habits not retracted produce very bad acts; for which reason the Angelic Doctor[114] asserts that he who sins from a voluntary habit sins from certain malice. From these things it appears, for example, that the sins of some man blaspheming from an inveterate and never retracted habit are not light from the fact that this man now thinks nothing while uttering blasphemies of this kind. For he freely

retains the habit which is the cause of so many sins. Therefore all the sins which actually follow are imputed to him.

b) An involuntary habit, that is, one indeed caused from free acts, but retracted by a sincere act of contrition, diminishes or even takes away the voluntary. It diminishes the voluntary if actual advertence to the act is imperfect; it takes away the voluntary if this advertence is totally removed. And this is plain, for example, in a man who contracted a habit of making himself drunk or of blaspheming. If this man, aided by the grace of God, has elicited an act of true contrition, so that he again is in the state of sanctifying grace and has retracted all his depraved habits, but nevertheless because of the acquired propensity again falls back into the same sins, these sins are less voluntary and consequently less grave; indeed, if they anticipate every advertence of reason, they are only material sins. - It is plain of itself that a habituated or customary sinner is strictly bound to employ efficacious remedies for the extirpation of the depraved habit, as will be explained below in the treatise on penance.

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[114] Ibid. q. 78, a. 2: "A sin is said to be from certain malice when it is from the election of evil. But that to which one is inclined through his own habit is electable to each one. Therefore a sin which is from habit is from certain malice."

4. On Certain Pathological Bodily States

91. Preliminary Note. From the intimate conjunction which exists between body and soul, it is easily understood that there also exists a most efficacious mutual influence between these two conjoined parts. The soul influences the body and the body influences the soul. A body well chastised serves the soul excellently, while on the contrary a rebellious body or one given to vices weighs down the soul. There is added the fact that, from original sin, lamentable disturbances have crept into the bodily powers, which indeed are still accustomed to be increased by atavism, that is, by a particular hereditary and native disposition transmitted by parents. All these things are established by daily experience and are denied by no one. But one must not proceed so far with several modern unbelievers that man's liberty and the imputability of actions are utterly denied, as if man had to act necessarily according to his native propensities and hereditary dispositions of the brain. For if this were so, then even the worst criminals would almost always have excuses for their crimes. For they could rightly say that they committed crimes not freely, but from a necessary hereditary disposition. They would not have to be punished, but pitied. These things indeed are false, and therefore in our times not only the liberty of man, but also the very great influence of the soul upon the body, notwithstanding native bodily propensity, is admitted even by some rationalist psychiatric physicians. For this reason those physicians are accustomed to employ so-called "suggestion," that is, moral persuasion in mental diseases; and, although rationalists, they acknowledge the beneficial influence of the priest-confessor in diseases of this kind. But on the other side it is of the greatest interest to the confessor to have some knowledge of these diseased states of the mind, and that for two reasons: **1.** because of the utility of the penitent; for if the confessor judges rightly concerning the state of the penitent, he can assist him more efficaciously; **2.** because of the utility of the confessor himself; for not rarely confessors ignorant of diseased states of this kind err dangerously, thinking with excessive credulity that all those things are objectively true which penitents narrate, for example, concerning miraculous visions had, diabolical invasions, etc. Hence arise the derisions of the malicious, disturbances of the faithful, detractions against the confessor himself, etc. - Since these things are so, we indicate certain brief rules concerning this matter, referring for a fuller doctrine to works which treat this matter expressly and which are accustomed to be called "pastoral medicine," "pastoral psychiatry," and by other similar names.[115]

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[115] Cf. Surbled, *La morale dans ses rapports avec la médecine et l'hygiène*, ed. 10, Paris 1905. A. Römer, *Psychiatrie und Seelsorge* (Berlin 1899). This author is indeed of the Protestant religion, but treats this matter excellently. S. Weber, *Zwangsgedanken und Zwangszustände in pastoral-psychiatrischer Beurteilung* (Paderborn 1903). Jos. Antonelli, *Medicina pastoralis*, ed. 3 (Rome 1906). Ig. Familler, *Pastoral-Psychiatrie* (Freiburg 1898). Raymond O.P., *Le guide des nerveux et des scrupuleux* (Paris 1911). Bergmann, *Die Seelenleiden der Nervösen* (Freiburg i. Br. 1923). Gemelli O.M., *Skrupulosität und Psychasthenie* (Regensburg 1915). Pierre Janet, *La médecine psychologique* (Paris 1923). Eymieu, *Le gouvernement de soi même* (Paris 1910).

92. Rule 1. In extraordinary and portentous facts supernatural or diabolical powers are never to be supposed, unless they have first been proved with moral certitude. If even the least doubt remains after investigation has been made, the effects produced must be ascribed to natural powers.

Otherwise the greatest illusions and grave inconveniences would certainly arise. Hence the phenomena of somnambulism, telepathy, etc., are not ordinarily to be proclaimed as diabolical effects, since it is not certainly established that they cannot be produced either by natural powers or by the most cunning craftiness of men. Nevertheless from this it is not lawful to conclude that any Christian whatever can licitly be present at societies or circles in which such phenomena are shown. For not rarely grave dangers against religion and good morals arise from this.[116]

[116] Cf. below, on superstition (II, n. 520 sqq.), where this matter will be treated more broadly and where decisions of the Holy See against spiritism and magnetism will also be brought forward.

93. Rule 2. The voluntary and the free can be taken away not only in perfect insanity, but also in hypnotism and in certain pathological states of the mind. But if there is doubt whether an act committed in states of this kind is voluntary and free or not: in evil works (*in odiosis*) it is to be held as involuntary or at least as not a grave sin; but in favorable matters what has been done is considered to have been rightly done.

All admit that the voluntary is taken away in perfect insanity; experience establishes that the voluntary is also taken away in hypnotism (at least sometimes); for a hypnotized person sometimes does those things which outside the state of hypnotism he certainly would never do. In other pathological states of the mind experience likewise establishes that the voluntary is sometimes taken away, as is plain, for example, during epilepsy, during melancholia, which sometimes causes the so-called abulia or incapacity of willing efficaciously, during hallucination, and in some phenomena of hysteria. But in doubt concerning the liberty of an objectively evil act, it is not imputed morally as a grave sin, because no one is considered evil unless he is proved so. Moreover, in these cases grave voluntary malice cannot be proved. Hence the confessor must be a very mild judge in circumstances of this kind. But if there is question of a good act doubtfully voluntary and free, nothing prevents it from being presumed to have been done freely and voluntarily until the contrary is proved.

94. Rule 3. The voluntary, if it is not totally taken away, nevertheless is certainly greatly diminished in diverse and many diseased conditions of the nerves, among which above all are to be enumerated the so-called obsessions, fixed ideas (*Zwangsvorstellungen*), and hysteria.

95. Fixed ideas[117] or obsessions greatly torment many men otherwise of sound mind, and they are concerned with almost infinite matters, so that up to this day they have not yet been able to be reduced by expert physicians to determined categories. For example, one man has a fixed idea that he must wash his hands almost a hundred times in a day; another in all things, even most holy things, always sees obscene things; a third labors under the fixed idea that he is utterly unable to pass through a vast place (agoraphobia, *Platzangst*), and so on. Experience shows that fixed ideas vanish completely for a time and appear again after an interval more or less long. What the causes of fixed ideas are is not yet certainly known. It seems likely that

they are caused sometimes from hereditary disposition, sometimes from certain transmutations of the brain, sometimes from neurasthenia, and very often from vehement fear suffered; wherefore they also are accustomed to be called phobias. Fixed ideas greatly diminish the voluntary, so that scarcely, and indeed scarcely at all, can there be mortal sin in them. At most there is venial sin, and sometimes there is no sin.

Against fixed ideas there is no more efficacious means than (besides wise care of bodily health) strict obedience toward a prudent, strong, and especially patient confessor or director. For from such obedience and from the personal influence of the confessor, fixed ideas, if they do not entirely cease, at least leave life more tolerable, which otherwise can scarcely be borne. In time past fixed ideas were sometimes removed by physicians with the aid of hypnotism; but today's practice now less frequently employs hypnotism because of the inconveniences sometimes following from it, but rather has recourse to so-called psychotherapy or moral persuasions, which hardly anyone can perform better than a well-instructed confessor. Above all, however, the confessor should then strive to conciliate to himself the perfect trust of the one who labors under fixed ideas. Let him say to him that there is no great danger of sinning in these phantasms and obsessions; let him induce him to light labor which distracts the mind to other thoughts; but let him never say sharply: You are mad! your ideas are absurdities and follies, or other similar harsh words. But let him strongly, and at the same time bravely and sweetly, admonish him to patience; let him command him not to do anything unusual, for example, unusual exercises of piety, nor to go to other persons for asking counsel, nor especially to read books treating of temptations, disturbances of the nerves, fixed ideas, etc. For experience establishes that by the reading of such books fixed ideas are not only not cured, but rather are confirmed or transformed into other worse ones. - The confessor should also be very cautious concerning the so-called psychoanalysis invented by Freud and developed by others, since from psychoanalytic attempts there not rarely arise very baneful effects.

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[117] Cf. Familler, *Pastoral-Psychiatrie* 21; A. Ziehen, *Psychiatrie* (Berlin 1894) 120 sqq. Terminology in this matter is by no means uniform among diverse authors. As much as suffices for our purpose, under fixed ideas we comprehend all the things which by others are called: phobias, obsessions, psychasthenia, lucid dementia, etc. For in all these states this is common, that a man, however much he knows that this idea or impulsion is not sufficiently founded, nevertheless is unable to expel it.

96. Hysteria, if you look at the name (ὑστέρα), is a woman's infirmity, but today this name is used to signify a special disease of the nerves, which is found both in women and in men. Nevertheless it must be admitted that hysteria is found more often in females than in men;[118] perhaps for this reason, because the nervous system in men is firmer than in women. First of all it must be observed that this disease is by no means always something shameful, nor does it always arise from lust. For experience establishes that most pious men and women sometimes labor under hysterical disease. Nevertheless it has also been discovered that those who labor under hysteria suffer temptations against chastity more easily and more vehemently. For when their nervous system is disturbed, and notably the genital nerves, then their will is weakened. What the cause of hysteria is, or what it itself is, still lies hidden from us. It seems to be at least principally a morbid autosuggestion which is also called *pythiatismus* (Babinski). Perhaps it is not an organic disease, but a functional one, as physicians say; that is, hysteria does not cause organic lesions, but more or less impedes physiological or psychological functions. The symptoms of hysteria are almost infinite and always variable, so that someone has rightly said that "in hysteria nothing is constant except its inconstancy." Yet this is established among all, that right judgment, the moral sense, and the voluntary are greatly diminished by hysteria. Let the confessor act with the greatest prudence and caution with persons laboring under hysteria, because otherwise both he himself and they will easily suffer great harms.[119] Since it is not so easy to discern whether the disease of hysteria is truly present, it is worth the labor to bring forward here certain characteristic signs of this state, which are called the stigmata of hysteria:[120]

1. Egoism altogether exaggerated and morbid. The hysterical person is accustomed to refer everything to himself or herself. Therefore such a person continually complains that other people do not sufficiently consider him or offend him with many kinds of things, which in reality are futile. From this the person also tries to make others pity him. He feels great satisfaction if other people acknowledge or admire his pains, anxieties, labors. But if others seem to neglect him, then with all his powers, even by exaggerations and lies, he thrusts himself and his state upon them. He does not care for his neighbor except because of egoism. Hence he also often offends his neighbor, not indeed by grave deeds, but as if by needle-pricks, so that those dwelling with him or often conversing with him must tolerate many inconveniences. In one word: the hysterical person, whatever he does, whatever he suffers, refers everything to his own honor or utility or satisfaction. He does not shrink even from tolerating great pains, provided that he is acknowledged by others as another Job.

2. Abnormal inconstancy[121] in affections, and those very vehement, is the second characteristic sign of hysteria. The hysterical person now exults with jubilation of mind, afterward because of futile reasons is saddened unto death;[122] today with great trust he approaches the confessor or physician and observes their commands most faithfully, tomorrow he complains about the confessor and physician as about men without heart and intelligence.

3. Defect of truth and veracity (*pseudologia phantastica* or mythomania) is the third, and indeed the saddest and most dangerous, quality of hysteria. This defect manifests itself both in actions and in words. The hysterical person deceives himself, deceives others, although he does not always do this knowingly or from malice. Hence in such a person there are sometimes found actions which, considered at first sight, appear miraculous, for example, heavenly visions, diabolical apparitions, fasting prolonged for several weeks (while secretly the person eats), indeed even bloody stigmata in the hands, feet, and side. Not rarely also the hysterical person narrates foul lies concerning the things and deeds of others, indeed very badly blackens the honor of the confessor and causes him many inconveniences.

4. Sins against temperance not customary are also sometimes a sign of hysteria. We have already said above that hysterical disease does not always arise from excesses of lust, as some falsely think; nevertheless experience establishes that hysteria easily leads to inordinate carnal delectations, and indeed with almost equal intensity to inordinate delectations of foods and drink as to venereal delectations. Hence hysterical persons often commit excesses in Venus and Bacchus. These phenomena are spontaneously understood if it is observed that the moral judgment of the hysterical person is clouded because of the person's exaggerated sensitive appetite. This disease can be aggravated to such a point that a person otherwise modest casts aside every shame and openly tempts, indeed even compels, other persons to immodesty. Since, moreover, the person affected by this disease has suffered a defect in the truth of judgment and in the veracity of speech, not rarely he falsely accuses others of lust committed with him. For this reason let a priest outside confession not speak alone with a woman alone, so that calumny cannot afterward be made against him. Alas! not one innocent priest, because of his imprudence, has in this way been falsely accused and condemned.

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[118] Cf. A. Aub, *Die Hysterie des Mannes*, Munich 1911.

[119] Cf. Capellmann-Bergmann, *Pastoralmedizin* 10, 122: "In general, the greatest caution and reserve are to be recommended to the cleric in dealing with hysterical persons." Familler, l. c. 67 sqq.; Ziehen, l. c. 243 sqq.

[120] We omit merely bodily stigmata, as, for example, defect of the conjunctival, pharyngeal reflex, etc.

[121] Great lability of representations and moods.

[122] "Jubilant to the heavens, saddened unto death," the so-called laughing-weeping. Cf. Surbled, l. c. t. IV, cap. 4.

97. Morality of acts committed in hysteria. Acts committed by a hysterical person cannot be said to be utterly involuntary, except rather rarely, namely, when the absence of cognition and volition is established; nevertheless they must be considered imperfectly voluntary and consequently judged more mildly in the confessional. Therefore it often happens that an act committed by a hysterical person is not a mortal sin, which, if it had been committed by a healthy person, would without any doubt be grave fault. And this must especially be attended to in impure thoughts and desires, indeed sometimes even in external shameful acts.

98. Cure of hysterical disease. Some remedies must be sought from medical art, others from moral theology. It is indeed established among all that hysteria not rarely takes its origin from disease of the nerves and other bodily indispositions. Therefore first, with the aid of an expert physician, the bodily disease, if any exists, must be removed. Yet an organic bodily disease cannot always be found among hysterical persons. Then the confessor or priest should first of all strive to procure for himself the complete confidence and obedience of the hysterical person; and this indeed is a matter by no means easy. But when these have been obtained, with all prudence, all patience, and all firmness, let him endeavor that the abnormal egoism of the hysterical person be wiped away; let him suggest honest distractions and delectations; let him not permit excessive exercises of piety and mortification; but let him prescribe above all works of mercy and charity toward one's neighbor. By this manner of living and acting, hysteria will gradually cease or at least will become more tolerable.

Chapter III. On the Morality of Human Acts

Connection of the matter. Since enough has been said concerning the nature, division, principles, and impediments of human acts, now it is necessary to treat of their morality and of supernatural merit. For by our acts we shall not obtain the end of our life unless they are not only morally good, but also supernaturally meritorious. Wherefore first one must treat of the morality of human acts and then of their merit. The first chapter on the morality of human acts we subdivide into three articles: **1.** on the nature and division of morality; **2.** on the principles or sources of morality; **3.** on the extension of morality.

Article I. On the Nature and Division of Morality

99. Nature of morality. In every human act a twofold being can be distinguished: physical and moral. The physical being of a human act is its physical entity; for example, in the killing of a man, the physical being of this act includes both the physical powers which caused the killing and the physical effect itself of the killing. The moral being[1] of a human act is that essential property which renders the physical act either good or licit, or evil or illicit. Thus in the example brought forward of killing, the physical action receives a diverse moral being according as it was done justly by legitimate authority or unjustly by anyone whatever. Almost all admit that the moral being of a human act adds something to the physical being, but there is not one opinion as to what this is.

The morality of human actions can be defined: the transcendental relation of a human act to the norm of morality. The act which is conformable to this rule is right or licit or good; but the act which is disconformable is illicit or evil. Therefore it is necessary that there exist some rule according to which all human acts must be measured and regulated. For just as in physical things the straightness or obliquity or curvature of some object is known if it is compared with a straight rule, so in moral matters a human act is judged right or perverse according as it agrees or disagrees with the rule of morals.

[1] Moral being is predicated principally of human acts. But by analogy of attribution many other things are called moral insofar as they have an order to human acts. Thus we speak of a moral cause, which produces acts not physically but morally, that is, by

counseling, commanding, etc.; of a moral law, which directs human acts; of moral virtues, which facilitate human acts; of a moral object, which is reached by a human act; of moral science, which hands down conclusions deduced from moral principles; of moral obligation, which binds us according to human custom; of moral certitude, which indeed is not perfect certitude, but sufficient, with attention to human customs.

100. False opinions concerning the norm of morality. We cannot in our Manual bring forward all the false opinions concerning the norm of morality; for they are almost innumerable. For a fuller doctrine the authors treating of Ethics or Apologetics are to be consulted. Concerning the essence or ultimate norm of morality several non-Catholic and even Catholic authors have erred and do err. Among the errors of non-Catholic authors these seem to be the principal ones: **1.** utilitarianism; **2.** rationalism; **3.** subjectivism.

101. 1. Utilitarianism (also called hedonism from the word ἡδονή, or eudaemonism from the word εὐδαιμονία) places the ultimate norm of morality in terrestrial happiness to be attained, so that those actions are to be called good which, considered both in themselves and in their effects, bring more pleasure than pain. The supreme rule of this system is: Pleasure is to be sought, pain is to be fled. A twofold utilitarianism is distinguished: one individual, the other social. The former intends the happiness of the individual man; but the latter the happiness of human society. The principal patrons of individual utilitarianism were **a)** among the ancients: Aristippus the Cyrenaic, Epicurus, Democritus, Lucretius; **b)** among the more modern: Helvetius, de la Mettrie, Diderot, Feuerbach.[2] - R. Cumberland, Fr. Bacon, Aug. Comte, Stuart Mill, J. Bentham, and others defended social utilitarianism. Yet it is not so certainly established concerning some of the cited authors what utilitarianism they taught, whether individual or social. This holds especially concerning J. Bentham, who is held by some as a patron of individual utilitarianism, but by others as a defender of social utilitarianism. The fundamental principle of this author is: A man must with all his powers in his life procure for himself the "Maximization of pleasure and Minimization of pain," that is, he must take care that pleasure become as great as possible and pain as little as possible, and therefore he must weigh the delectations and pains (according to intensity, duration, extension, purity, and fecundity) which any act will produce. Acts which will produce more pleasure are good; but those which will cause more pain are evil.[3]

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[2] Cf. Tanquerey, *Synopsis Theol. mor.* 8, II, n. 93 sqq., and V. Cathrein, *Moralphilosophie* I 5, 266 sqq., who explain and refute these systems more broadly.

[3] Jerem. Bentham, *Introduction to the Principles of Morals and Legislation* (1789). L. Carrau describes utilitarianism with great erudition in *La morale utilitaire*, Paris 1874; his opinion concerning Bentham is found on pp. 167-217.

102. 2. Rationalism teaches that the supreme norm of morality is to live according to reason without any respect to happiness. The Stoics favored this rationalism, thinking that the highest good is to do virtue for its own sake, or to lead a life concordant with itself.[4] The true sage follows this rule in his whole life: "Endure, abstain." Endure all inconveniences with an untroubled mind; abstain from all joys; be as if impassible, so that you can be disturbed by no influence of pain or pleasure.[5] Th. Reid (1710-1796) and especially Immanuel Kant (1724-1804) followed this Stoicism in some measure; Kant taught that the good is to be fulfilled, not because it brings us some utility, but because it is our duty. Hence law does not command in a conditioned way (if you wish to be happy, do this), but in an absolute and categorical way, namely, do this. Hence arose the celebrated "Kantian categorical imperative."

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[4] The principle of Stoicism was: ὁμολογουμένως τῇ φύσει ζῆν, which principle indeed is not explained in the same way by diverse authors (cf. Cathrein, l. c. 226).

[5] The words of Horace (*Od.* 3, 3, 8) seem to have been said of the Stoic: "If the shattered world should fall upon him, its ruins will strike him fearless."

103. 3. Subjectivism (which not without merit is also called moral skepticism) today is widely raging among non-Catholics. Already the ancient Greek philosopher Theodorus the Cyrenaic said that nothing is good or evil from its own nature, and therefore that even adultery itself and theft can sometimes be good acts.[6] In the sixteenth century Montaigne (1533-1592), whom Th. Hobbes (1588-1679) followed, denied the existence of any objective and constant norm for the moral acts of man. In our times R. v. Jhering,[7] Fr. Paulsen,[8] Fr. Jodl,[9] Ed. Westermarck,[10] and many others teach the same. In an altogether crude way M. Stirner and Fr. Nietzsche logically led this subjectivism all the way to true moral nihilism, Nietzsche prating that all morality is an arrogant falsification and that the aristocratic man is outside the limits of good and evil. Subjectivism, which denies every objective constant and invariable norm of morality and asserts that subjective judgment, or rather sentiment (*subjektives Gefühl, sentiment subjectif, moral sense*), is the sole norm of morality, logically leads to the absurdities defended by Nietzsche and destroys the whole social order, which surely cannot be preserved without constant objective norms.[11]

After the false opinions of non-Catholics concerning the norm of morality have been briefly stated, there remain to be brought forward the less correct opinions of Catholic authors:

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[6] Diogen. Laert. 9, 61, 101: "Nothing therefore is good or bad by nature."

[7] Jhering (*Idealistische und positivistische Ethik* [1882] 222) says: "There is no action which would be evil in itself. The distinction between good and evil does not lie in things in themselves, but first results from the relation of things and actions to the ends of men."

[8] Paulsen (*System der Ethik* I, 19) says: "As an Englishman is other than a Chinese or a Black man, and also wishes and ought to be other, so for each among them there also holds another morality." Yet in other places the same author seems to admit an objective stable moral norm (cf. Cathrein, l. c. 263).

[9] *Religion, Moral und Schule* (1892) 9.

[10] *Ursprung und Entwicklung der Moralbegriffe* I, c. 1; cf. also ibid. pp. 13-14.

[11] Cathrein, l. c. 168-179, excellently refutes this error.

104. 1. Moral positivism teaches that the ultimate norm of morality is the free divine will, which could have freely established a morality altogether diverse from that which now exists; indeed, that it can still freely change the existing morality. This opinion today is obsolete and has already been refuted by St. Thomas.[12] For there are certain actions intrinsically evil, and indeed independently of the divine will, for example, to blaspheme, to kill an innocent person, to perjure oneself, etc.; nor can God render these licit.

2. Other Catholic authors, admitting indeed that the norm of morality is something objective, immutable, pertaining to the supernatural end of man, have investigated more intimately what precisely that is which first and of itself renders human acts moral. They have gone into diverse opinions, of which the principal ones are the following:

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[12] *Summa c. gent.* 3, 129. Guill. Occam (*In 2 sent.* q. 19 ad 3 and 4), John Gerson (*De vita spir.* lect. 1, coroll. 10 and 11), and Descartes (*Meditationes de prima philos.* resp. 6, 6) are said to have proposed this moral positivism.

105. a) Morality consists in a merely extrinsic denomination, or it is a pure being of reason. For an act is called moral because it is referred either to law or to the rational nature of man. Thus especially Vasquez.[13] Mastrius and de Coninck are also said to have taught the same.[14] This opinion is certainly false. For some species of morality is moral goodness. But moral goodness is certainly not a pure extrinsic denomination and a being of reason, since by morally good acts we merit eternal life. But it is not consonant with reason to assert that we merit eternal life by some being of reason.[15]

[13] *In I-II*, disp. 73, c. 9, n. 42 sqq.; disp. 95, c. 10.

[14] In Frins, *De act. hum.* II, n. 9.

[15] Cf. Billuart, *De act. hum.* diss. 4, a. 1, where this whole question concerning the essence of morality is discussed clearly and briefly.

106. b) Morality consists in the liberty of the act. Thus Durandus,[16] Scotus,[17] Tanner,[18] and perhaps also Suarez.[19] But this opinion likewise is not to be admitted, because liberty is indeed required for morality, since no act is moral which is not free;[20] nevertheless morality does not consist formally in liberty. For being free pertains to the physical order; for by it free beings are distinguished from non-free agents. Moreover, even if the moral order, and consequently morality itself, did not exist, nevertheless liberty would still remain in the actions of man.[21]

[16] 2, dist. 38, q. 1 and 3; cf. also 3, dist. 23, q. 3.

[17] *In Sent.* lib. 2, dist. 40, q. un., § "De secundo dico." - Moreover, it is not so established what the accurate opinion of Scotus is. Cf. Frins, l. c.

[18] *In I-II*, disp. 2, dub. 2, n. 36.

[19] Thus at least Frins thinks, l. c. n. 6, citing seven diverse places in the works of Suarez for this opinion. Frins himself (l. c. n. 22) also thinks that the liberty of the act is not only presuppositively, but formally and constitutively the essence of morality.

[20] The scholastics dispute much whether and what liberty is required for a human and moral act. The controversy is chiefly concerned with the act of beatific vision, which is not free, but necessary. Some wish this act, as lacking liberty, not to be human or moral; but deservedly, says Billuart (l. c. diss. 1, a. 2): "Beatific love is intimately and inseparably joined to the rule (of reason), and therefore is human and moral in a more eminent way and with imperfections removed."

[21] Cf. Salmant., *Curs. theol. mor.* tract. 20, c. 1, punct. 3.

107. c) Morality consists in the advertence of reason to the honesty of the object. Thus Syl. Maurus,[22] Scheeben,[23] and a few others, who think that even the very act of beatific love, since, although necessary, it is nevertheless perfectly rational, that is, plainly conformable to the dictate of right reason, is perfectly and properly moral. This opinion indeed does not seem absolutely false, but incomplete; for for the true morality of an act there is required not only advertence of reason to the honesty of the act, but also the intervention of the will. Besides, the essence of morality cannot arise solely from human reason and will, but also from relation to the objective norm of morality, and indeed to the divine norm.

There are still several opinions concerning the essence of morality, which it would be long to bring forward here, and which are of small or no utility for practice.[24]

[22] *Opus theol.* II, lib. 5, q. 22, n. 7.

[23] *Handb. der kath. Dogmatik* I, lib. 2, n. 594 sqq.

[24] Cf. Frins, l. c. n. 4-10. L. Lehu, *Philos. mor. et soc.* (Paris 1914) n. 145 sqq., treats with great erudition the diverse ways of speaking in this matter.

108. The true opinion concerning the essence and norm of morality. Morality consists formally in a tendency (or transcendental relation) to the object, insofar as that object precisely falls under the rules of morals. But the rules of morals are the eternal law and all things which are derived from the eternal law, such as all other just laws and conscience. Almost all Thomists explain the essence of morality in this way, for example, John of St. Thomas,[25] Gonet,[26] the Salmanticenses,[27] Billuart.[28] The reason for this opinion is that an act is formally constituted by its tendency to its object; for the whole account of an act is its object. This

indeed is admitted by all in the physical order and is plain of itself; thus, for example, the act of vision is formally constituted by its tendency to the object seen. Therefore, by parity, a moral act is essentially constituted by its tendency toward a moral object. But an object is moral insofar as it is subjected to the rules or norms of morals.

1. The supreme objective norm of morality is the eternal law, or the reason of divine wisdom, insofar as it is directive of all human actions. For man is bound by all his acts to tend to the ultimate end, which is God, as was proved above. Therefore all human acts must have a right order to this ultimate end, or, as the Angelic Doctor says, "the rectitude of the will is through due order to the ultimate end."[29] If they have that order, they are morally good; otherwise they are morally evil. But since that order has been established by the eternal law, it is rightly said: The morality of human acts consists formally in conformity or difformity with the eternal law. The matter is explained by an example. An act of theft is morally evil. Why? Because God has prohibited it. - Why has God prohibited it? Because through theft the social order is disturbed and thus the glory of God is injured. But if the glory of God is injured by man, the eternal law is also injured, and man will not attain his ultimate end.

2. The proximate objective norm of morality is human reason, that is, the dictate of right reason, not indeed of itself, but insofar as it is a participation of the eternal law.[30] For reason is the first principle of human and moral acts. But reason judges concerning the conformity of an act with the eternal law. Hence the Angelic Doctor,[31] speaking of the twofold species of morality, says: "Good, insofar as it is according to reason, and evil, insofar as it is beside reason, diversify the species of morals." Elsewhere the same holy Doctor says:[32] "Good is represented by reason to the will as object, and insofar as it falls under the order of reason, it pertains to the genus of morals and causes moral goodness in the act of the will." The proposed doctrine can be clarified by the example of the shining moon and sun. For just as the full moon does not shine, but reflects the light of the sun, so the dictate of right reason is not the norm of morality except insofar as it reflects the eternal law. - Up to this point the discussion has been concerning the objective morality of human acts.

3. The subjective norm of morality is conscience. Therefore a man must conform his actions to conscience commanding or prohibiting; otherwise he acts badly, as will be said more broadly below, n. 307. The eternal law is inscribed in our hearts (in conscience) either directly by God himself, the author of our rational nature, or by means of just positive laws. Therefore it can be said briefly: The eternal law is the ultimate objective norm, but conscience is the proximate subjective norm of the morality of human acts.[33]

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[25] *Cursus theol.* in I-II, q. 21, disp. 8, a. 1, n. 23.

[26] *Clypeus* in I-II, disp. 1, n. 18.

[27] L. c. punct. 1.

[28] L. c. diss. 4, a. 1.

[29] *S. theol.* I-II, q. 4, a. 4.

[30] Ibid. q. 19, a. 4. "In all ordered causes an effect depends more on the first cause than on the second cause, because the second cause acts only in virtue of the first cause. But that human reason is the rule of the human will, by which its goodness is measured, it has from the eternal law, which is the divine reason." Hence proposition (3) of the Syllabus of Pius IX was condemned: "Human reason, with no regard whatever had to God, is the sole arbiter of true and false, good and evil" (Denz. n. 1703).

[31] *S. theol.* I-II, q. 18, a. 5 ad 1.

[32] Ibid. q. 19, a. 1 ad 3.

[33] "The rule of the human will is twofold: one proximate and homogeneous, namely, human reason itself; but the other is the first rule, namely, the eternal law, which is as it were the reason of God" (ibid. q. 71, a. 6; cf. q. 19, a. 4).

109. Divisions or species of morality. Three species of morality are assigned, namely, goodness, malice, and moral indifference. Moral goodness is nothing other than the tendency or real transcendental order of a human act to an object conformable with the eternal law. Moral malice is a tendency to an object dissonant from the rules of morals, or according to other authors: it is the privation of consonance and rectitude. As to these two species of morality, there is almost no difficulty, since they are both understood easily enough and admitted by all Catholics. For certainly there are morally good acts, such as to love God, to render justice to each one, etc., and morally evil acts, such as to lie, to blaspheme, etc. But as to the third species of morality, namely, indifference, authors do not agree. Some teach that indifference is not properly a species of morality, but a negation of morality.[34] But the more common and truer opinion teaches that indifference is a true but incomplete species of morality. It is indeed a true species, because there exist acts which, considered only according to their objects in themselves, are neither good nor evil, for example, to walk, to cut wood, etc.; but it is an incomplete species of morality, because in reality an indifferent act does not exist in the individual. There will be fuller discussion of this matter below in article 3; meanwhile it suffices to bring forward the words of St. Thomas,[35] who says: "There are three differences of human acts; for certain acts are good from their genus... and with respect to these there is posited the act of law to prescribe or command. But certain acts are evil from their genus, such as vicious acts; and with respect to these law has to prohibit. But certain acts from their genus are indifferent acts; and with respect to these law has to permit." "If we speak of a moral act according to its species, then not every moral act is good or evil, but some act is indifferent."[36]

[34] Thus Tanquerey, l. c. *de actibus hum.* n. 185, Bouquillon, *Theol. fund.* n. 348, and from the older authors the Salmanticenses, Gonet, and others.

[35] *S. theol.* I-II, q. 92, a. 2.

[36] *De malo* q. 2, a. 5.

Article II. On the Principles or Sources of Morality

110. After in the preceding article there has been discussion of the nature of morality in common, or of the formal cause of morality, now one must treat of morality in particular or in concrete. In other words: now it is asked what the elements are which in any human act efficiently cause a determinate morality. And these elements are called the principles or sources of morality. For by principles or sources of morality are understood all those things from which morality is derived in concrete into human acts, that is, they are those things which really make a human act either good or evil or indifferent. St. Thomas[37] assigns three principles or sources of morality, namely, **1.** the object, **2.** the circumstances, **3.** the end. For although that end of which there is question here, namely, the subjective end, is also a circumstance of the act,[38] nevertheless, because it especially influences the morality of the act, and because special difficulties exist concerning it, therefore the Angelic Doctor, and with him commonly all theologians, treat specially of the end. For the sake of clarity we divide this article into three paragraphs, treating separately of the object, the circumstances, and the end.

[37] *S. theol.* I-II, q. 18, a. 2, 3, 4.

[38] Ibid. q. 7, a. 4.

§ 1. On the Object

111. Preliminary Note. A human act is a certain motion proceeding from the deliberate will. But every motion from its nature tends toward something, and, when this is obtained, it is terminated. That toward which a human action from its nature tends, and by the obtaining of which it is terminated, is the intrinsic end of the work and is called the object of the act. Thus, for example, the act of seeing has for its object things to be seen, the act of understanding things to be understood, etc. But the object, insofar as it is a principle of morality, is not the physical object itself which the human act reaches, but the moral object, insofar as it falls under the norm of morality, concerning which there was discussion in the preceding article. Hence, for example, in the action of stealing, the moral object is not the very thing of another taken away considered in itself, but insofar as reason forbids it to be taken away when the owner is reasonably unwilling. Next, the moral object does not comprehend all those things which the human action intends and comprehends; for in this way circumstances and end are also reached. But that is called the moral object toward which the human action from its nature first and of itself tends, and which therefore is always the end of the work itself. For example, a thief takes away in a church one hundred francs in order to live luxuriously by using this money. The moral object of this act is the thing of another unjustly taken away; the circumstance is theft committed in a sacred place; but the end is lust to be satisfied. The moral object considered in itself is threefold, namely, **1.** good, if it is consonant with reason and the eternal law, for example, to love God, to cultivate chastity, etc.; **2.** evil, if, on the contrary, it is dissonant from those rules, for example, to hate God, to lie, etc.; **3.** indifferent, if considered in itself and abstractly it neither agrees nor disagrees with those rules, for example, to put on a white or black garment.

Next it must be noted that this moral object can be regarded in two ways: **a)** materially, insofar as it is considered in itself with relation only to the remote rule of morals, namely, to the eternal law or to other laws justly derived from the eternal law; **b)** formally, insofar as its morality is perceived by the conscience of the acting man. This twofold consideration of the moral object often, but not always, coincides in the same agent. Thus, for example, a man committing fornication and knowing that this act is a grave sin chooses an object both materially evil (for it is against the remote rule of morals, namely, against the natural law, which is a participation of the eternal law) and formally evil, because he acts against his conscience, which is the proximate rule of morals. On the contrary, if the same man, invincibly ignorant of the malice of fornication, were to fornicate, he would choose a moral object which indeed is materially evil, since it is truly against the natural and eternal law, but he does not commit formal malice, because he labors under an invincibly erroneous conscience and does not act against the proximate rule of morals. From this twofold consideration of the moral object theologians are accustomed to distinguish material sins, which injure the remote but not the proximate rule of morals, and formal sins, which injure the proximate rule of morals, that is, the conscience of the agent, whether this conscience is right or erroneous.[39]

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[39] Cf. below in the treatise on conscience, n. 306 sqq.

112. Principle. The first and essential morality of a human act is taken from the object morally considered. Thus the very common opinion with St. Thomas.[40]

Proof. "The first and essential goodness or malice of an act is that which is conceived in it before every other, without which [the other morality of the act] cannot be conceived, and which remains invariable when the others are changed. But the goodness or malice which is in an act from the object is conceived to be in it before any other goodness or malice whatever from circumstances; without it no other can be conceived; and when the extrinsic circumstances and the end are changed, it is not changed: thus adultery, by the very fact

that it is access to another's wife, is understood first and essentially as evil without order to other circumstances; without this malice it cannot be conceived; and when circumstance or end is changed it remains invariable. Therefore." Thus very well Billuart.[41] - Nor should anyone object that the respect to the end is prior to the respect to the object, and therefore the first morality must be taken from the end. - For the end is either objective, or the end of the work,[42] and then it is the same as the moral object; or it is the subjective end, or the end of the worker, and then it already presupposes morality from the object, and consequently does not give the first morality, but the second.

The morality which a human act takes from the moral object is called objective or substantial morality. But the moral object is either good or evil or indifferent, as is plain from what has been said above.

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[40] *S. theol.* I-II, q. 18, a. 2: "As a natural thing has its species from its form, so an action has its species from the object, as also motion from its term. And therefore, as the first goodness of a natural thing is considered from its form, which gives species to it, so also the first goodness of a moral act is considered from a fitting object.... And as in natural things the first evil is if the generated thing does not attain the specific form ... so the first evil in moral actions is that which is from the object."

[41] *De act. hum.* diss. IV, a. 3, § 1. But this author speaks only of goodness and malice, not of the indifference of the object, because an indifferent object is always drawn by the end to good or evil morality.

[42] Cf. above n. 16.

113. Scholion. On the perception and intention of morality. Subjective and formal morality cannot arise from the object (and the same holds concerning circumstances and end) unless it is in some way perceived by the agent. Wherefore, if the agent inculpably is ignorant of the goodness or malice of the object, formal morality is not present, but only material; or in other words: the human act is materially good or evil, but not formally, as has already been said. But it is not required that the agent explicitly intend this morality; it suffices that he implicitly will it. Hence, for example, he who commits grave theft or adultery, knowing this to be illicit, truly sins gravely, even if internally or externally he says that he does not wish to commit sin.

§ 2. On Circumstances

114. Notion. A circumstance, of which we speak here, is a moral condition which accedes to the already constituted moral substance of an act and modifies it; or it is an accident of a human act morally affecting the act itself already constituted in moral being. Thus, for example, the moral circumstance of a sacred place can accede to the substance of an act of theft, which is thereby changed into sacrilegious theft. The Angelic Doctor[43] aptly explains the notion of a moral circumstance: "The name of circumstance is transferred to human acts from those things which are in place. But in local things something is said to stand around when it is indeed extrinsic to the thing, yet touches it or approaches it according to place. And therefore whatever conditions are outside the substance of the act, and yet in some way touch the human act, are called circumstances." - It is said notably in the given definition that a moral circumstance is a condition modifying the substance of the moral act; for if some circumstance in no way touches the morality of the act, it is a mere physical circumstance and not a moral one. Thus, for example, to steal a white or black garment is a physical circumstance, but not a moral one.

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[43] *S. theol.* I-II, q. 7, a. 1.

115. Number. Already from the most ancient times seven circumstances were customarily enumerated,[44] which are expressed in this little verse:

"Who, what, where, by what aids, why, how, when."

Who denotes the special quality of the person acting. For example, the morality of fornication is modified if it was done by a free person or by a person joined in marriage.

What designates the quality or quantity of the object, insofar as they influence the morality of the act. For example, theft was committed in a small or in a great quantity, in lay or ecclesiastical goods.

Where denotes the quality of place influencing morality. For example, lust committed in a profane or sacred place, in a hidden or public place.

By what aids signifies the special means employed for completing the act, insofar as they modify morality. For example, someone, employing physical coercion, violated a virgin.

Why expresses the end extrinsic to the work, on account of which the act was perpetrated. For example, to steal in order to make oneself drunk. There will be special discussion of this moral circumstance in the following paragraph.

How signifies the special moral mode by which the work was committed. For example, with vehement passion, from full deliberation, without complete advertence, etc.

When denotes the quantity or quality of time. For example, whether the work was done for a long time or briefly, at a sacred or ordinary time, etc.

All these circumstances often influence the morality of the act only lightly; and then they are not necessarily to be declared in the confession of sins. Sometimes they influence the morality of the act in absolutely no way, for example, whether someone blasphemed in the morning or evening; whether someone struck another with the right or left hand; and then let the confessor not permit circumstances of this kind of a sinful act to be narrated in confession. For they are accustomed to be useless chatterings and to harm rather than help the integrity of confession.

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[44] Ibid. q. 7, a. 3.

116. Principle 1. A human act also takes some morality from moral circumstances. Thus all.[45]

Proof: a) The goodness and malice of human acts can be compared with the goodness or malice of some physical thing. But the value of some physical thing is not taken only from its substance, but also from its accidents. For example, the value of some horse is not taken only from the fact that it is in the equine species, but also from the fact that it is a horse of such size, strength, beauty, age, etc. Therefore, by parity, the moral value of some human act must not be taken only from its object, but also from its accidents or circumstances, which have a special conformity or difformity with the norm of morality. - **b)** Christ himself declared that the gift of the poor widow putting two mites into the treasury was of greater value than the gifts of the rich.[46] And yet from the object alone of the gift this difference could not have arisen, as is plain of itself. Therefore this had to happen from some circumstance, because, namely, the poor widow exercised greater love by giving from her want all that she had. - **c)** The Council of Trent[47] defined that in confession circumstances changing the species of sin must be declared. Therefore the Council supposes that certain circumstances so influence a human act that the moral species is changed.

Note. In order that circumstances truly influence the morality of a human act, it is required:

1. that they be moral circumstances, that is, having a special conformity or difformity with reason (cf. above);

2. that this conformity or difformity be in some way known by the agent;

3. that an objectively good circumstance not only be known, but also be intended under the aspect of the honorable;[48] but an objectively evil circumstance influences the morality of the act if it is known, although it is not intended or even is displeasing in itself. Hence he who gives money because of an imposed penance and in no way intends the relief of the poor exercises indeed an act of justice, but by no means an act of mercy; but he who publicly pronounces obscene words commits, besides a sin against chastity, also a sin of scandal, although he did not intend to pervert his neighbor.

Principle 2. Certain circumstances totally change the species of morality; but certain circumstances only change the grade of morality, that is, they increase or diminish goodness or malice within the same species.

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[45] *S. theol.* I-II, q. 18, a. 3.

[46] Mark 12:41-44.

[47] Sess. 14, cap. 5 and can. 7, on the sacrament of penance (Denz. n. 899 and 917).

[48] St. Thomas expresses this doctrine in these words: "For the will to be good, it is required that it be of good under the aspect of good, that is, that it will the good, and on account of the good" (*S. theol.* I-II, q. 19, a. 7 ad 3).

117. The first part is proved. All morality arises from conformity or difformity with right reason, as was said above. Therefore where there is special conformity or difformity, there also is special morality. But sometimes circumstances added to some act have an altogether special and specific conformity or difformity with reason. Therefore then those circumstances specifically change the morality of the act or add some new diverse morality.[49] The matter becomes clearer by an example. If someone steals another's thing, he commits an act which has one determinate species of morality, namely, he commits a sin against justice. But if someone steals a thing which is consecrated to God, for example, a consecrated chalice, then this circumstance of a sacred thing induces a special and specific morality, namely, the malice of sacrilege, because in that theft there is a special difformity with right reason. For not only the virtue of justice is injured, but also the virtue of religion.

The second part is proved. Sometimes circumstances do not have a special and proper conformity or difformity with right reason, but increase or diminish the morality of the act already arising from the object. For example, to take another's thing away when the owner is unwilling is an act which from the object has the morality of theft. But whether someone takes away 1000 or 100 francs does not essentially change the morality of theft. Each is and remains theft and nothing else. Nevertheless everyone immediately sees that to take away a greater sum of money is objectively a greater sin than to steal a lesser sum.[50]

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[49] Ibid. q. 18, a. 10.

[50] Ibid. a. 11.

118. Corollary. From the two stated principles it follows that circumstances can influence the morality of a human act in a fourfold way.

1. An act indifferent from the object becomes good or evil because of an influencing circumstance. Thus, for example, the act of walking, indifferent from the object, becomes good if it is done from reasonable pursuit of health; but evil if it is done for the sake of sinning.

2. An act good from the object becomes evil. For example, to give alms is an act good from the object; to give alms solely because of vainglory or from another's goods is an evil act. A gravely evil circumstance destroys the goodness of the act to which it is joined; for example, the punishment of a delinquent subject is a good act,

and if grave cruelty accedes to it, it becomes an act simply evil. But a lightly evil circumstance does not take away, but diminishes, the goodness of the act; for example, tepidity in prayer does not take away the whole goodness in prayer, but diminishes it.[51]

3. An act good or evil from the object becomes more good or evil. For example, to fast is a good act; to fast on bread and water is a better act. To make oneself drunk is an evil act; to make oneself drunk daily is a more evil act (at least if it happens from a habit not retracted).

4. An act good or evil from the object receives a new and specifically diverse goodness or malice. For example, to preserve chastity is a good act, namely, of the virtue of temperance; to preserve chastity because of a vow emitted is furthermore an act of the virtue of religion. To strike one's neighbor unjustly is a sin against justice; to strike one's parents unjustly is furthermore a sin against piety.

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[51] Cf. however below n. 122.

119. Note. In the first two cases, circumstances pass over into the condition of the moral object and therefore in reality give the first morality to the act; but in the following two cases circumstances retain the character of an accident, which either increases the already existing morality or adds to the already existing and remaining morality some new specific morality. Therefore in the last case one human act is in several species of morals, which is no inconvenience, as the Angelic Doctor says.[52]

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[52] Cf. *S. theol.* I-II, q. 1, a. 3 ad 3; q. 18, a. 7 ad 1; a. 10 ad 3.

120. Division of circumstances. 1. With respect to influence on the morality of the act, circumstances changing the species and circumstances not changing the species are distinguished. The former are those which in the Corollary brought forward above were described under nos. 1, 2, and 4; indeed, if we speak of the theological species, even the circumstances indicated under no. 3 can change the species. The latter, namely, circumstances not changing the species, are called those which increase or diminish the already existing morality of an act without effecting anything else, for example, to steal 100 or 150 francs.

2. Circumstances changing the species change either the moral or the theological species. They change the moral species if they add a new and diverse morality to the objective morality of the act, for example, the violation of a vow joined with the violation of chastity. But they change the theological species if from a light sin they make a mortal sin, or on the contrary from a mortal sin they render a venial sin; for example, the theft of one obol is a light sin; the same theft repeated a thousand times, finally at some time by constituting grave matter, causes grave sin. An obscene thought is a mortal sin, which, if it is admitted with only imperfect consent, is a light sin.

3. Circumstances not changing the species are subdivided into aggravating and diminishing, according as they increase or diminish the specific malice of some act. But circumstances aggravating malice are again subdivided into **a)** lightly aggravating, **b)** notably aggravating, **c)** aggravating infinitely. The first increase the malice of sin lightly, the second gravely, the third infinitely. But the malice of sin is said to be increased infinitely when from a light sin there is made a grave sin. For each sin is infinitely distant in malice from the other. Circumstances aggravating infinitely are at the same time circumstances changing the theological species.

§ 3. On the End

Preliminary Note. Already above, n. 15 sqq., we have sufficiently treated of the notion and divisions of the end. The end which is here counted as the third principle of morality is not the intrinsic end of any work, since this coincides with the moral object,[53] concerning which there was discussion above, n. 111 sqq.; but it is the extrinsic end or the end of the worker. For example, the act of praying has for the end of the work and at the same time for its moral object the veneration of God, from which therefore it takes its primary morality, indeed also its moral specification. But the same act of praying can be produced from a motive of penance and mortification. Then an accidental extrinsic end, or the end of the worker, accedes, which adds a new morality to the act of praying.[54]

[53] Cf. 2, dist. 36, a. 5 ad 5.

[54] The intrinsic end is also called the proximate end, the specifying end, the extrinsic form of the act; but the extrinsic end is also called the remote end, the end not specifying, but only moving. These locutions indeed are not so clear and therefore are better avoided.

121. Principle 1. The extrinsic end or the end of the worker is also a source of morality.

Proof 1. The extrinsic end or the end of the worker is a moral circumstance, which is expressed by the word "why." But moral circumstances are sources of morality, as was proved above, n. 116 sqq. Therefore.

Proof 2. The extrinsic end or the end of the worker is the motive, indeed sometimes the sole motive, inducing one to act. But the motive of an action either agrees or disagrees with right reason and the eternal law, and therefore has a special morality. Therefore the extrinsic end gives some morality to the act.

Proof 3. Christ warns:[55] "Take heed that you do not your justice before men, to be seen by them; otherwise you shall not have a reward of your Father." - From these words it is clear that the extrinsic end of vainglory disfigures works of justice and therefore gives them a new morality.[56]

[55] Matt. 6:1.

[56] St. Thomas distinguishes a fourfold goodness in a human act: **1.** physical goodness; for every act is some being; **2.** specific goodness, which arises from the moral object of the act; **3.** accidental goodness, which arises from moral circumstances; **4.** goodness of the end, which arises from a good extrinsic end (*S. theol.* I-II, q. 18, a. 4).

122. Principle 2. The extrinsic end or the end of the worker can **a)** render an action indifferent from the object good or evil; **b)** render an action good from the object more or less good, indeed even evil; **c)** render an action evil from the object more or less evil, but never good.

Each part is proved and explained.

To a) Walking is an action indifferent from the object; nevertheless it is rendered morally good if, for example, it is exercised from religious obedience or because of reasonable care of health. The same action is rendered evil if it is done because of an evil end, for example, because of vanity, because of culpable curiosity, etc. But the reason is that those ends are intended insofar as they agree or disagree with the norm of morality, and therefore cause (and indeed primarily) either the goodness or the malice of an objectively indifferent action.

To b) An action good from the object is almsgiving; he who does this action from a vow performs a work more good. For besides an act of the virtue of mercy and charity, he also performs an act of the virtue of religion. Therefore that action has at the same time two goodnesses, one essential, the other accidental.[57] Thus the common doctrine of theologians, which Vasquez alone contradicts.[58] - But a difficulty exists in explaining

the influence of an evil end upon a work good from the object. A distinction is needed: an evil end can be the total, sole, and adequate cause why a work good from the object is chosen, for example, to give alms to a poor man solely in order to turn him away from the faith or to induce him into sin; or it can be a partial cause, so that the good work is chosen also because of its own honesty, for example, someone sincerely wishes to relieve the misery of a poor man, but at the same time intends vainglory from the giving of alms. The difference between each influence of an evil end is this: in the first case the good work is a pure means and instrument for obtaining an evil end; but in the other case the good work is not a pure means, but truly a partial and intermediate end.[59] With this distinction premised, I say:

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[57] Cf. Billuart, *De act. hum.* diss. 4, a. 3, § 4.

[58] Comm. in I-II, disp. 51, c. 3.

[59] The Angelic Doctor seems to call this diverse influence of the end preceding and concomitant (consequent) intention. "Intention can stand in two ways toward the will: in one way as preceding; in another way as concomitant. Intention precedes the will causally when we will something because of the intention of some end; and then the order to the end is considered as a certain reason for the goodness of the very thing willed, for example, when someone wills to fast because of God; for fasting has the character of good from the very fact that it is done because of God.... But intention follows the will when it accedes to a pre-existing will; for example, if someone wills to do something and afterward refers that to God; and then the goodness of the first will does not depend on the following intention except insofar as the act of the will is reiterated with the following intention" (*S. theol.* I-II, q. 19, a. 7 according to the Leonine edition).

123. The moral goodness of an action good from the object is totally destroyed by an end which is the adequate and sole cause of the action, but not by an end alone which is the non-adequate and non-total cause of the action. This is also expressed thus by some theologians: an evil extrinsic end, if it is primary and adequate, destroys the objective goodness of the action; but if it is a secondary end and an inadequate motive of acting, it makes an action otherwise good from the object not totally evil.

The first part of this proposition is admitted by almost all. In this sense also St. Paul says:[60] "A little leaven corrupts the whole lump." For by the leaven can be understood a depraved intention which is the total cause of a human action. - But the intrinsic reason of this doctrine is obvious. For a man choosing a work good from the object solely for obtaining an evil end in no way seeks the honesty of that work, but uses it as the sole means and instrument for obtaining his depraved end; this certainly is against the right norm of morality, and therefore is intrinsically evil.

The other part of the proposition[61] today is most commonly admitted by almost all theologians; nevertheless there were theologians of great name who taught that even an inadequate depraved end destroys the whole objective goodness of the action, for example, the Salmanticenses,[62] John of St. Thomas,[63] Gonet,[64] and others. Although these authors cite St. Thomas[65] for their opinion, nevertheless the proposition defended above seems more conformable to the mind of the Angelic Doctor. Here are the words of St. Thomas:[66] "Nothing prevents an action having one of the aforesaid goodnesses from lacking another. And according to this it happens that an action which is good according to its species or according to circumstances is ordered to an evil end, and conversely. Yet an action is not good simply unless all goodnesses concur, because any singular defect causes evil; but good is caused from an integral cause." The Angelic Doctor speaks still more explicitly in another place:[67] "When someone wills to give alms because of empty glory (behold the total and adequate cause!), here there is one act of the will; and this whole act is evil, although not everything in it has malice; for one particular defect suffices for something to be called evil simply. But it is true that if he were to will this, namely, to give alms, as a certain thing not in order to such an end (behold the inadequate and secondary cause!), that act of the will would be good, and it would be another act of the will from that by which he wills

empty glory." From these words of St. Thomas the intrinsic reason of the proposed doctrine is also clear. For alms in this case are not chosen as a means for obtaining empty glory, but are truly intended as something honorable in itself. Therefore they retain their objective goodness, although through another act the intention of empty glory is extrinsically joined to them.

The proposed opinion is confirmed from the inconveniences which would otherwise arise: if a light disorder of the end destroyed the whole goodness of an action otherwise good, scarcely any good action would be performed even by holy men. For "there are very few works even among holy men watching attentively to which in this life either some due circumstance is not lacking, or into which some evil things are not mixed, for example, of empty glory, self-love, excessive complacency.... Thus there are very few penitents whose penance some excess or defect does not accompany; very few superiors who in corrections do not suffer some excess of zeal or anger; very few preachers who, although led by zeal for the glory of God, are not moved amid the applause of hearers by the tickling of some complacency." Thus rightly Billuart,[68] who treats this question very well, clearly, and succinctly before many authors who hand down this certainly difficult matter both diffusely and confusedly. Therefore it is established that one action can be virtually multiple and therefore at the same time be good and evil under a diverse head, namely, good from the object, evil from a circumstance or end, provided, however, that the evil end is not the adequate and total cause of the action.

Some authors, such as Lehmkuhl,[69] Noldin,[70] Marc-Raus,[71] Schindler,[72] think that the whole work is vitiated if the partial end is gravely evil; for it would be impossible that an action by which man is totally turned away from God should be pleasing. But these things seem to be said illogically and are not sufficiently proved. For even if the partial end is lightly evil, that part of the action which proceeds from this end is not pleasing to God. For example, empty glory joined with the giving of alms is certainly not pleasing to God; and yet these authors teach that this giving of alms has a twofold morality: one good from the object, the other evil from empty glory. Wherefore it seems more probable that absolutely no partial end, provided that it is truly partial and inadequate, destroys the objective goodness of an action.[72a] For example, if someone sincerely and principally wishes to assist at the sacrifice of the Mass, but at the same time secondarily during Mass to lust shamefully after a woman seen, he does indeed commit a mortal sin against chastity because of the depraved secondary desire, but his assistance at Mass itself has not been made totally evil. - Nor should anyone say that by such assistance a man merits nothing except hell; for merit is one thing, moral goodness another; and however devoutly a man existing in mortal sin assists at Mass, he merits no eternal reward before God. But it has been condemned in Baius and Jansenius to assert that sinful man is unable to do morally good works.[73]

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[60] 1 Cor. 5:6.

[61] Cajetan, Comm. in I-II, q. 18, a. 8, and Billuart, *De act. hum.* diss. 4, a. 4, hold it.

[62] *Curs. theologicus* tract. XI, *De bonitate et malitia*, disp. 6, dub. 1.

[63] Q. 21, disp. 9, a. 4. This author treats the matter clearly and profoundly.

[64] *Clypeus: De act. hum.* tr. 3, disp. 4, a. 1.

[65] *S. theol.* I-II, q. 18, a. 5.

[66] Ibid. a. 4 ad 3.

[67] 2, dist. 38, q. 1, a. 4 ad 4. The Parma and Vives editions have a somewhat different but not so good reading. Cf. *S. theol.* I-II, q. 12, a. 4.

[68] *De act. hum.* diss. 4, a. 4, § 2.

[69] *Theol. mor.* I, 100.

[70] *De principiis* n. 77.

[71] *Inst. mor.* I, 306.

[72] *Lehrbuch der Moraltheol.* I, 2. Abschn., § 3.

[72a] Thus also Vermeersch, *Theol. mor.* I, n. 118.

[73] Cf. Billuart, l. c. obj. 4.

124. To c) An action evil from the object becomes more evil when an evil end accedes. Hence he who commits theft in order to have money for making himself drunk commits a greater sin than if he had committed theft alone. The reason is that here there is a twofold malice: one from the object, the other from the subjective end.

An action evil from the object, when a good end accedes, can indeed become less evil, but never totally good. Hence he who commits theft in order to give alms does indeed perpetrate a lesser sin, but a true sin. It is plain that this sin is lesser from the fact that there is a lesser affection toward evil, since the will does not seek it for its own sake, but from love of some true moral good. Wherefore St. Augustine[74] says: "He is worse who steals from coveting than he who steals from pity," and St. Thomas:[75] "The better the good intended is, the more the fault of the lie is diminished." But although sin is diminished from a good end, nevertheless it remains true sin, and indeed grave sin if grave fault stains the object. Wherefore the adage holds: A good end can never justify evil means. And therefore St. Paul[76] teaches: "And not (as we are slandered, and as some say that we say) let us do evil that good may come; whose damnation is just." St. Thomas says: "No evil done with a good intention is excused."[77] The scholastics, calling the appetite of the means election and the appetite of the end intention, are accustomed to express the proposed doctrine in this way: a good intention is vitiated by evil election; and an evil election is not made honorable by a good intention. Thus all Catholic authors teach. Cassian alone[78] seems to have asserted the contrary, whom a few others joined, teaching the liceity of an officious lie in a case of necessity.[79] Only with the greatest injury is the calumny brought against the Jesuits, as if they defended in doctrine and in practice the adage: "The end justifies the means." On the contrary, several non-Catholic authors expressly admit this principle; indeed all those who defend false doctrines concerning the supreme norm of morality must admit it. For if, for example, the supreme norm of morality is individual or social utility, then it can easily happen that a morally evil act, for example, an officious lie, serves utility more than the omission of this act.[80] But the intrinsic reason why it is never licit to choose an evil means for obtaining a good end is that otherwise man would approve and assume moral evil, which is certainly illicit.

Against this doctrine are objected both the words of Sacred Scripture and certain examples of the Saints. Sacred Scripture says: "If thy eye be single, thy whole body shall be lightsome; but if thy eye be evil, thy whole body shall be darksome."[81] Under the figure of the eye interpreters are accustomed to understand a good intention, so that the sense would be: If you have in your acts a depraved intention, all your acts are dark and morally evil; on the contrary, if you have a good intention, whatever you do is lightsome and morally good. It is answered that under the name of eye, intention cannot be understood in so unlimited a sense. The holy Fathers by the eye are accustomed to understand the heart; if it has been clean and free from desire of earthly things, the whole body of the remaining affections will be lightsome and immaculate. - Abraham, Jacob, Judith, and the midwives of Egypt are objected, who are reported to have employed lies for obtaining a good end; Moses is objected, who by his own authority killed the Egyptian; Samson, who committed suicide; St. Apollonia, who cast herself into the fire, etc. To these and similar deeds it is answered: either they must be explained so that they are no longer intrinsically evil; for example, the enumerated lies are not true lies, but mental restrictions; or, if this cannot be done, those men otherwise most worthy truly sinned by so acting, at least materially. For no man, however holy, is impeccable on this earth.[82]

[74] *Contra mendacium* c. 8 (Migne, *Patr. lat.* 40, 529).

[75] *S. theol.* II-II, q. 110, a. 2.

[76] Rom. 3:8.

[77] *Opusc.* 4 (3), *Expositio in duo praecepta caritatis et in decem legis praecepta*, c. 6.

[78] Coll. 17 (Migne, *Patr. lat.* 49, 1062).

[79] Cf. below in the treatise on lying, II, n. 169.

[80] Cf. on this matter Cathrein, *Moralphilosophie* I 4, 326 sqq., where on p. 329 Jhering, Sigwart, Paulsen, Ziegler, and Gallwitz are cited for this false adage. - G. Ulrich writes in his work *Verdienst und Gnade*: "The necessary lie, the social and conventional lie, appear, when used with understanding, wholly unobjectionable; for always it is the end alone which hallows a means or makes it into injustice." Matthew Prior: "The end must justify the means, He only sins who ill intends" (*The works of the English poets* [London 1810] X, 155; cf. Tanquerey, *Synops. theol. mor. de act. hum.* 152).

[81] Matt. 6:22-23.

[82] Cf. Billuart, *De act. hum.* obj. 4, where other objections also are clearly solved.

125. Principle 3. Man is bound to set before himself in all his actions an honorable end, which at least implicitly is referred to God; but it is not licit to act for pleasure alone.

The stated principle responds to the question: what intention is necessary in the agent so that his works may be good? But the proposed doctrine holds a middle place between two other extremes.

The first extreme doctrine requires that all human acts be referred actually or at least virtually to God. Baius, Jansenius, and their followers, thinking that human nature was thoroughly corrupted through original sin, taught that man must always actually refer his actions to God; otherwise he follows his vitiated nature and therefore sins. For according to these authors there is nothing intermediate between heavenly charity and vitiated cupidity. From this false doctrine it follows that all works of infidels and the impious, since they do not refer their actions to God, are sins. This indeed St. Pius V condemned: "All the works of infidels are sins, and the virtues of philosophers are vices."[83] St. Alphonsus seems to have taught that a virtual relation to God is necessary in our acts.[84] Nevertheless there are those who explain the mind of the holy Doctor otherwise.[85]

The other extreme opinion teaches that for the honesty of an act it suffices that it be done according to the prescriptions of reason and be apprehended and sought as such. Therefore the act remains good, even if the will intends not an honorable good or a motive of virtue, but delectation (not evil in itself) or convenience, without thinking of a further end. Thus Noldin,[86] who for this opinion of his cites Ballerini, Genicot, Pesch, and others; indeed he calls this opinion today common among authors.

In practice this controversy does not seem to be of great moment, and therefore the faithful are not to be disturbed concerning the morality of their acts, provided that they follow the dictate of their own conscience; but theoretically speaking, the opinion requiring an actual relation of acts to the ultimate end is too rigid and today obsolete. Indeed even a virtual relation of our acts is not to be urged in this sense, as if it were a true sin if a man did not elicit an explicit resolve, for example, every morning, of doing all things for the glory of God. For such an obligation is not established. But the last opinion does not seem to be sufficiently safe unless it is explained in a sound sense.

It is proved. 1. From propositions condemned by Innocent XI on March 2, 1679: "It is licit to eat and drink to satiety without necessity for pleasure alone, provided it does not harm health, because the natural appetite can licitly enjoy its acts" (prop. 8). - "The work of marriage exercised for pleasure alone is entirely free of every

fault and venial defect" (prop. 9).[87] Therefore, even in objectively licit acts, it is necessary to intend something other than pleasure; or the end of the will cannot be pleasure alone, although that pleasure does not directly conflict with reason. For it cannot be said that to eat for pleasure alone without detriment to health directly conflicts with natural reason, if one abstracts from the ordination of the Creator.

2. From Sacred Scripture. For the Lord says:[88] "But I say unto you, that every idle word that men shall speak, they shall render an account for it in the day of judgment." But if an idle word is evil, *a fortiori* an idle work is evil; and therefore St. Jerome[89] exclaims: "If an account is rendered for idle words, how much more for works!" - But a word and work are called idle not because they have an evil end, for then they would no longer be idle, but evil, but because they are not ordered to their connatural end. Hence even boys are called idle, not because they do nothing or something evil, but because they do not do those things which they ought, for example, by playing uselessly. Moreover, an ultimate end has been appointed for man by the Creator, toward which he must tend by all his acts.[90] Therefore whatever man does, he must refer to that end; not indeed actually and explicitly, but implicitly, insofar as he perceives every act as fitting right reason and the eternal law. Certainly the Creator joined some special delectation to certain actions, for example, to actions of eating, drinking, generating, etc., with this intention, that men would perform more fervently and more perfectly these actions so necessary for individual and social life; but this delectation is not the end, but only a means to the end. Therefore he who seeks pleasure as the end and not as a means acts against the intention of the Creator and therefore sins. Hence it follows that man cannot positively intend and seek delectation in such a way that the proper motive and reason for willing the action is the convenience itself or the delectation itself, without it being necessary to think of a further honorable end.

3. By the authority of doctors. The proposed opinion is by far the more common among doctors, and indeed not only among Thomists, but also among other theologians. Thus, besides St. Thomas,[91] Cajetan,[92] Billuart,[93] Sylvius,[94] Haine,[95] Marc-Raus,[96] Aertnys-Damen,[97] Tanquerey,[98] and many others hold it. - John Sanchez[99] seems to have been the first who explicitly taught the contrary, writing: "If harm is absent, to eat and drink without necessity solely for seeking delectation, namely, because of the coolness of drink or the pleasantness of food, will by no means be against reason; but such eating or drinking is done freely so that the natural appetite may enjoy its acts. But to will that the appetite be delighted in its operations, which are not against reason, is in no way sin.... Therefore neither will it be right to condemn the sense of taste because it seeks food solely because of its delectation." It is deservedly doubted whether St. Bonaventure[100] and certain Scotists[101] are rightly alleged as patrons of the opinion of John Sanchez.

4. From reason. St. Thomas[102] rightly teaches: "Delectation is because of operation, and not conversely." For delectation is as it were a certain salt and condiment which serves for the appetibility and better digestion of food. But just as it is unfitting to eat solely because of salt or condiment, so also it is a disorder to act because of pleasure alone. Wherefore it is indeed licit to act with delectation or even to intend delectation as an intermediate end with subordination to some further end; but it is never licit to act because of pleasure alone. For this reason St. Augustine says briefly but most truly: "It is not licit to use things to be enjoyed or to enjoy things to be used."[103] Concerning delectation sought in foods St. Alphonsus notes:[104] "Although someone approaching the table does not think about the conservation of life, but only about the delectation of food, he does not therefore sin, because he wills such delectation, at least virtually, because of the conservation of life; and thus he does not seek it inordinately."

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[83] Prop. 25 of Baius (Denz. n. 1025).

[84] Here are the words of the holy Doctor: "Man is bound to refer all his acts to God when he acts with deliberation and because of some end. For the apostle says in 1 Cor. 10:31: Whether ... you eat, or drink, or whatever else you do: do all things for the glory of God. Therefore, if he refers it to God at least through virtual intention, the act will be good; if he does not refer it, it will be evil: therefore no act is indifferent.... Hence for practice we gather: one must often in the day, at least in the morning, generally offer to God all his acts, so that thus the precept of the apostle may be fulfilled, at least by the virtual intention of doing all things for the glory of God" (l. 5, tract. praeamb., n. 44).

[85] Aertnys-Damen, *Theol. mor.* l. 1, n. 35, note; *Vindiciae Alphonsianae* P. 2, q. 1, t. 1, pp. 149-157, ed. 2.

[86] *Princ. Theol. mor.* n. 88 sqq.

[87] Denz. n. 1158 and 1159.

[88] Matt. 12:36.

[89] It is found among the apocryphal works of St. Jerome: *Breviarium in Psalmos*, Ps. 16 (Migne, *Patr. lat.* 26, 910).

[90] Cf. above n. 20.

[91] *Contra gent.* 3, c. 26; *Suppl.* q. 49, a. 6.

[92] Comm. in I-II, q. 1, a. 6.

[93] *De act. hum.* diss. 4, a. 6, and *De ultimo fine* diss. 1, a. 5.

[94] Comm. in I-II, q. 100, a. 10.

[95] *Theol. mor. De act. hum.* q. 59.

[96] *Inst. mor.* I, n. 307.

[97] *Theol. mor.* l. 1, n. 35.

[98] *De act. hum.* 8, n. 203.

[99] *Select.* disp. 2, n. 14; this work was placed on the Index on Dec. 6, 1642.

[100] Comm. in 2, dist. 41, a. 1, q. 3.

[101] Cf. Ballerini-Palmieri, *Opus theol.* I, n. 170.

[102] *Contra gent.* 3, c. 26.

[103] What use and fruition are was said above, n. 34.

[104] *Theol. mor.* l. 5, tract. praeamb., n. 44.

126. From what has been said it seems sufficiently proved that man in all his acts must tend toward an honorable end and mediately toward the ultimate end, that is, toward God. Hence the apostle warns: "Whether you eat or drink, or whatever else you do: do all things for the glory of God."[105] By these words, authors commonly teach with St. Thomas[105a] and St. Alphonsus that not mere counsel, but a true precept is contained. And this precept is not hard; for it is not required that man explicitly refer all and each of his actions to God, but an implicit relation suffices, which is abundantly had if a man at due times elicits an act of faith and charity, which acts indeed are necessary for all men by necessity of means, as will be said below in the treatise on the theological virtues. In practice the faithful are indeed to be exhorted to elicit often the intention of doing all things for the glory of God, but they are not to be accused of having committed sin if they have not elicited this explicit intention. Hence inappropriately in some so-called "mirrors of conscience" or outlines of examination of conscience there is found the question: "Have you often elicited a good intention?" For it is not a sin if the faithful have not explicitly elicited a good intention of doing all things for God.

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[105] 1 Cor. 10:31.

[105a] II Sent. Dist. 40, q. 1, a. 5 ad 7.

Article III. On the Extension of Morality

From what has been said concerning the nature and sources of morality, it is easily deduced how far morality extends in individual acts. But since theologians specially dispute concerning two questions pertaining here, namely, whether an indifferent act is given not only in species, but also in the individual; and whether the external act and the event following from the internal act have a special morality, we also, following this method, shall answer these two questions in two paragraphs.

§ 1. On the Indifference of Acts

127. Preliminary Note. 1. Here we speak of truly human acts, but not of first-first acts, which occur without deliberation. For it is certain that first-first acts of this kind have no morality at all, or are amoral.[106]

2. Here we speak only of human acts in order to morality, but not in order to supernatural merit. For an act morally good is not by that very fact meritorious in the strict sense (or *de condigno*), since for merit properly so called habitual grace is required.[107]

3. A human act can be considered in two ways: **a)** *in abstracto* according to species and on the part of the object only; just as also man can be considered according to species only, under which consideration he is a rational animal and nothing else. Thus, for example, in the abstract can be considered the acts of walking, painting, writing, etc., without relation to the circumstances of the act and the intention of the agent; - **b)** *in concreto* or in the individual, insofar as such a man in such circumstances with such an intention places the act; for example, Peter, wearied from labor, takes a walk in order to restore his strength.

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[106] Sometimes first-first acts are also called morally indifferent, but then moral indifference is taken in a wholly negative sense. The Angelic Doctor writes to the point: "It is necessary that every act of man proceeding from deliberative reason, considered in the individual, be good or evil. But if it does not proceed from deliberative reason, but from a certain imagination (as when someone strokes his beard or moves his hand or foot), such an act is not, properly speaking, moral or human, since the act has this from reason; and thus it will be indifferent, as if existing outside the genus of moral acts" (*S. theol.* I-II, q. 18, a. 9).

[107] Nevertheless I cannot admit the opinion of P. Lehmkuhl (*Theol. mor.*[11] I, 106), saying: "I am altogether in that opinion: that there can be acts which are neither evil, nor in any way supernaturally good or meritorious." For since man has been elevated to the supernatural order, every truly human act merits or demerits something at least by congruity broadly so called (cf. below n. 137). Vermeersch agrees with us, *Theol. mor.* I, n. 142.

128. Principle 1. There are human acts indifferent from their species, that is, which, considered abstractly, are neither morally good nor morally evil. Thus the very common opinion, against a few Scotists.[108]

The reason is that human acts considered abstractly take their morality from the moral object alone. But there are certain objects wholly indifferent morally, as the objects of walking, painting, eating, etc. Wherefore St. Thomas teaches: "If therefore we speak of a moral act according to its species, then not every moral act is good or evil, but some act is indifferent."[109]

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[108] Scotus himself seems to have taught the very common opinion (in the place cited below).

[109] *De malo* q. 2, a. 5.

129. Principle 2. There neither is nor can be any act indifferent in the individual. Thus St. Thomas, St. Alphonsus,[110] all Thomists, and almost all more recent authors, such as Müller,[111] Simar,[112] Bouquillon,[113] Pruner,[114] Noldin,[115] Lehmkuhl,[116] Frins.[117] On the contrary, that human acts even in the individual and

concrete sometimes remain indifferent, either from an erroneous conscience, or because they turn upon the mere convenience of nature or upon the nolition of a greater perfection, is taught by Scotus,[118] St. Bonaventure,[119] Vasquez,[120] Reuter,[121] Viva,[122] very many Scotists, and among moderns Walsh.[123]

It is proved. St. Thomas[124] says pointedly: "It is necessary that every individual act have some circumstance by which it is drawn to good or to evil, at least on the part of the intention of the end. For since it belongs to reason to order, an act proceeding from deliberative reason, if it is not ordered to a due end, by this very fact is repugnant to reason and has the character of evil; but if it is ordered to a due end, it agrees with the order of reason, whence it has the character of good. But it is necessary that it either be ordered or not ordered to a due end. Hence it is necessary that every act of man proceeding from deliberative reason, considered in the individual, be good or evil." The same argument can also be proposed under this form: Whenever man acts deliberately, he is bound to act as man, that is, according to the dignity and exigency of rational nature, and insofar as he is distinguished from brutes. Therefore in every act he must seek an honorable end and one fitting to reason, not mere delectation, as brutes do. But if man in any act whatever intends such an honorable end, he acts well; otherwise he sins. Therefore there is not given an indifferent act in concrete. - Billuart[125] further brings forward the following argument, which nevertheless does not differ from the proofs adduced except according to form: "The end of a human act, in which the agent rests, is either God (whether actually or explicitly or implicitly intended) or a creature; for under these two ends all ends are contained. If the first, it is good; if the second, it is evil, because this is to use things to be enjoyed and to enjoy things to be used, in which the whole perversity of life is situated, as St. Augustine says somewhere."

From these arguments it clearly appears that this opinion concerning the impossibility of an indifferent act in concrete follows logically from the third principle of the preceding paragraph. Moreover it follows that those authors who deny this third principle proceed illogically if nevertheless they teach that no human act is indifferent in concrete.

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[110] *Theol. mor.* l. 5, tract. praeamb., n. 44.

[111] *Theol. mor.* I, § 97.

[112] *Moraltheologie* § 56.

[113] *Theol. mor. fund.* n. 377.

[114] *Lehrbuch der kath. Moraltheologie* n. 66.

[115] *Princ. Theol. mor.* l. 7, n. 92 sqq.

[116] *Theol. mor.* I[11], 106.

[117] *De act. hum.* II, n. 498 sqq.

[118] 2, dist. 41, quaest. unic., Corollaria.

[119] 2, dist. 41, a. 1, q. 3. Note also in the Quaracchi edition the Scholion in this place.

[120] I-II, disp. 52, c. 3, 4.

[121] *Theol. mor.* pars I, tract. 1, n. 55.

[122] *Curs. theol.* II, disp. 7, q. 3.

[123] *De act. hum.* n. 558.

[124] *S. theol.* I-II, q. 18, a. 9; cf. also 2 dist. 40, q. 1, a. 5.

[125] *De act. hum.* diss. 4, a. 5.

130. Objections. There is no time to solve all the objections brought by the Scotists against the Thomistic opinion. See Billuart, l. c. It is useful to solve one and another rather specious objection. Someone can judge the opinion of Scotus more probable and be invincibly ignorant that he ought to set before each action an honorable end and at least an implicit relation to God. If such a man does a work indifferent from the object and because of an indifferent end, his act will not be good, because from the object and end it is indifferent; nor yet is it evil, because he is excused by reason of invincible ignorance. Therefore this act in concrete is indifferent. - I answer: Certain authors[126] think that in this case there can truly exist an indifferent act even in concrete, but that this is by accident and from invincible ignorance; and therefore that the opinion of St. Thomas is to be understood *per se* and from the nature of the thing. But it seems better to deny the possibility of invincible ignorance concerning the obligation of setting before one's actions an honorable end and at least an implicit relation to God. The reason is that no one possessing reason can be invincibly ignorant that he is bound to act as a man, that is, according to reason. For thus synderesis dictates, which flourishes in any man whatever who possesses reason.[127]

Elbel-Bierbaum objects:[128] "The probability of this [Scotistic] opinion can be most clearly urged even from this: because if on a weekday, on which I am not obliged, I voluntarily do not wish to hear Mass, such a nolition is a human act; but it is not evil, as being contrary to no law, nor also positively good, because it is not conformed to a law, except one permitting; therefore it is not good, especially if I do not intend positive goodness, just as I can licitly not intend it; therefore it is and remains indifferent in the individual." - That objection is easily solved. This nolition indeed is a human act, but nevertheless it is not indifferent. For if such nolition is caused by weariness of labor, by an itching desire of exercising liberty, or by other similar causes, it is an evil act; but if it is caused by a sufficient reason, for example, on account of care for health, of avoiding too much labor, or on account of some other rational motive, such nolition is a morally good act.

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[126] In Frins (*De act. hum.* II, 519) are cited Suarez, Valentia, Marinus, Salmanticenses, Mayr.

[127] Cf. Billuart, l. c. a. 6, obj. 4.

[128] *Theol. mor. per modum conferentiarum* I, conf. 5, n. 86.

131. Scholion. On the influence of the proposed doctrine in asceticism. The Thomistic doctrine concerning the good or evil morality of each of our deliberate actions is very consoling for men of good will. For a man who habitually follows the guidance of reason and not of pleasure acts well even in the least deliberate actions; indeed, if he is in the state of sanctifying grace, by those same least actions he merits from day to day an increase of grace and glory.

Yet this same doctrine also excludes the so-called "imperfections," which according to some authors are acts neither good nor evil (or sins). Under the name of such imperfection modern ascetical writers are accustomed to understand chiefly the voluntary omission, not approved by reason, of a good work which is of mere counsel; for example, without any sufficient reason at all, not to wish to assist at Mass on weekdays. If truly no indifferent act exists in the individual - as has been proved - it follows that such an omission made without any sufficient reason at all is an evil act or venial sin. Therefore per se such an omission would be sufficient matter of confession; but since in practice it can rather difficultly be perceived that it truly was made without any sufficient reason at all, modern authors commonly teach that so-called "imperfections" are not sufficient matter of sacramental absolution (cf. below III, n. 324). Such an omission made from a sufficient reason is a good act, although perhaps it is better to perform the work and, in the case, to hear Mass. For ordinarily it is better to perform a work of counsel than to omit it. Thus, for example, as St. Paul testifies, 1 Cor. 7:25: "He who joins his virgin in marriage does well, and he who does not join her does better."

§ 2. On the Morality of the External Act and of the Following Event

132. Preliminary Note. External acts are taken here in the broader sense; they are not only those which are completed by external organs, as walking, speaking, etc., but also all acts commanded by the will, whether they are of the intellect, or of the sensitive appetite, or of the members of the body:[129] "We do not ask whether the exterior act is good or evil; we suppose as certain that it is so; for by this very fact, that it is voluntary, conforming or difforming to reason, it has everything which is required that it be good or evil. Moreover eight precepts of the Decalogue concern external acts. - But we ask whether the exterior act is good or evil by a formal goodness or malice distinct from the goodness or malice of the interior act, which it superadds to it. And the question concerns the exterior act as it is the mere execution of the interior. For if some goodness were accidentally and from without annexed to the exterior act, for example, special grace to the exterior reception of the sacraments, or the grace of an indulgence to almsgiving or exterior prayer, it is certain that the exterior act would add this accidental goodness to the interior act." Thus Billuart, l. c. - The state of the question becomes still clearer by an example. Peter wishes to give one hundred francs in alms and truly gives them; another time the same Peter wishes to give the same sum in alms, but by an unforeseen event a thief carried off the one hundred francs destined for alms, so that Peter now cannot execute his purpose. It is asked whether Peter in the first case placed an act of greater moral goodness than in the second, in which he truly did not complete the purpose externally.

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[129] Cf. Cajetan, Comm. in I-II, q. 20, a. 1, who treats this question very subtly. Billuart, l. c. a. 8, however, thinks that the external act is only the act of external members.

133. Principle. The external act by itself does not increase the morality of the internal act, but only sometimes by accident. Thus St. Thomas,[131] all Thomists, St. Alphonsus,[132] and other theologians most commonly, against Scotus[133] and many Scotists.[134]

The first part is proved. 1. From Scripture, in which everywhere perfected volition is no less praised or rebuked, rewarded or punished, than if it had been completed in work. For example, Abraham is equally rewarded for the will of sacrifice as if he had truly immolated his son. And therefore the angel says to him: "Because thou hast done this thing, and hast not spared thy only-begotten son for my sake, I will bless thee."[135] Christ[136] says: "Every one who shall look on a woman to lust after her, hath already committed adultery with her in his heart." Concerning these words St. Chrysostom[137] says: "It is not the work, but the will, which is rewarded, whether good in good things or evil in evil things; works, however, are testimonies of the will."

2. From reason. a) What does not have its own proper and distinct liberty also does not have its own proper and distinct morality, since liberty is the first condition of all morality. But the external act does not have its own proper and distinct liberty, but as much as it has, it has entirely from the interior act of the will, of which it is the complement. Therefore the external act, if it is considered separately, has no morality, and consequently by itself is able neither to increase nor to diminish the morality of the interior act from which it proceeds. But the external act has the same morality numerically which the internal act of the will has. - **b)** It is then proved from an inconvenience: If the exterior act added a distinct morality, it would follow that someone could deprive another, against that other's will, of moral goodness; for someone can impede another, against that other's will, from the external act, as if a thief carried off money destined for alms, or if he detained by force one going to church. But these things seem absurd. Therefore the external act by itself does not increase the morality of the internal act,[138] and it is not moral except by a certain analogy or denomination taken from the internal act. Wherefore St. Thomas[139] says: "As from the healthy which is in the body of an animal, healthy is derived to medicine and urine; nor is the health of medicine and urine other than the health

of the animal, which the medicine causes and the urine signifies. And in this way from the goodness of the will is derived the goodness of the exterior act and conversely, namely, according to the order of one to the other."

The second part is proved. By accident morality is increased through the external act, and indeed:

a) By reason of greater intensity, insofar as the will is borne toward the object with greater vehemence; for example, fornication desired through an internal act is not usually accustomed to procure disordered pleasure so intensely as fornication actually perpetrated.

b) By reason of greater duration, insofar as the execution of the work is accustomed to require a greater duration of deliberate volition than a simple internal act; for example, someone wishes devoutly to say the whole Rosary; another truly devoutly says the whole Rosary. The volition of the second man lasts longer than the simple internal act of the first man.

c) By reason of multiplication, because the act of volition is often repeated in external execution.

"Moreover, through an external act the senses are more dulled, and the exterior powers are rendered more prone to evil; scandals are brought forth; sometimes excommunication is incurred, or irregularity, or an obligation to restitution, which are not incurred through an interior act."[140]

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[131] *S. theol.* I-II, q. 20, a. 4, and 2, dist. 40, q. 1, a. 3.

[132] *Theol. mor.* l. 5, tract. praeamb., n. 40.

[133] 2, dist. 42, q. 4, n. 2, and Quodlib. q. 18, n. 12.

[134] Elbel-Bierbaum (l. c. n. 70) says: "Most probably [the external act] superadds morality. Thus holds Scotus, whom the Scotists follow, with few exceptions."

[135] Gen. 22:16 sq.

[136] Matt. 5:28.

[137] Hom. 19 in Matth. (Migne, *Patr. graec.* 57, 274).

[138] Cf. Billuart, *De act. hum.* diss. 4, a. 8, where this matter is abundantly treated and the objections of the Scotists are perfectly solved.

[139] *S. theol.* I-II, q. 20, a. 3 ad 3.

[140] Thus St. Alphonsus, *Theol. mor.* l. 5, tract. praeamb., n. 40.

134. Scholion. On Declaring the External Act in Confession. Although the external act by itself does not change the morality of the interior act, nevertheless it must always be declared in confession whether the sin was done only internally or also externally, because otherwise the confessor cannot sufficiently judge concerning the condition and obligation of the penitent. For example, one man with vehement desire wishes to steal one hundred francs; another actually steals one hundred francs. Certainly the sin of each thief is equal (other things being equal), but the confessor is bound to lead the second penitent to restitution of the thing taken away, while on the contrary he is bound only to deter the first from his depraved desire. More broadly on this matter will be treated in the chapter on the integrity of confession.

135. The event or effect foreseen and in some way intended increases the goodness or malice of the act, whether it follows by itself or by accident. The reason is obvious. For the better or worse is the act, the better or worse is the will producing this act. But the will of him who, foreseeing and intending good or evil events that will follow from his work, does it, is better or worse than if he foresaw and intended none of these things.

Therefore the following event, foreseen and intended in some way, increases the morality of the act.[141] - It is by no means required that the event or effect always be directly intended, but it suffices that it be indirectly intended, that is, that it could and ought to have been foreseen. Wherefore, for example, a man who, although he could and ought to have foreseen scandal that would arise from his lascivious speeches, nevertheless makes such speeches, incurs not only the guilt of lascivious speech, but also of caused scandal.

But if the event (especially an evil one) is indeed foreseen, but not intended, then the rules given above n. 57 sqq. for the indirectly voluntary must be applied.

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[141] Cf. *S. theol.* I-II, q. 20, a. 5, and Billuart, l. c. a. 9.

Chapter IV. On the Supernatural Merit of Human Acts

Preliminary Note. As was said above n. 20 sqq., in the present disposition of the human race introduced by God there does not exist a purely natural order of human acts, but man is bound to order all his actions (at least implicitly) to a supernatural end, namely, to eternal beatitude. But this supernatural end - as is plain of itself - cannot be obtained by merely natural powers; and this all the more because by adult men it must be acquired by merit properly so called.[1] For this reason man needs supernatural assistance for attaining his proper supernatural end. This assistance indeed is supplied to all men through truly sufficient graces, which Christ merited for us by His passion. - Since the treatise on supernatural grace and on merit, according to modern practice, is usually had in Dogmatics, here we touch only briefly upon those things which pertain to supernatural and meritorious acts.

Notions of Diverse Graces. The grace which man needs for perfecting truly supernatural and meritorious acts is twofold: habitual and actual. For although man existing in the state of mortal sin can without supernatural grace by his own natural powers both know some moral truth and will and perform something ethically good,[2] nevertheless he cannot prepare himself for grace nor merit eternal life.[3]

Actual grace is the supernatural assistance of God or a divine motion, by which man is helped transiently toward some supernatural act. This grace either illuminates the intellect or moves the will or generally helps in works to be performed; but it is always a gratuitous and supernatural gift and therefore distinct from the divine concurrence, which is necessary also for the natural, indeed even for the evil, operation of secondary causes.

Actual grace is subdivided **a)** into operating and cooperating. Grace is called operating with respect to that effect in which our mind is moved and not moving, while God alone is moving;[4] but cooperating in relation to those effects in which our mind is both moved and moves. Operating grace is also called prevenient or exciting; but cooperating grace is sometimes called subsequent or assisting. This division of grace into operating and cooperating properly pertains to actual grace, yet in some way it can be accommodated also to habitual grace, as St. Thomas teaches.[5] Habitual grace is called operating insofar as it formally sanctifies the soul; but it is called cooperating insofar as it is the principle of meritorious work, since this is produced by grace and free will together; **b)** into sufficient and efficacious. Sufficient grace is that which gives the power to operate; efficacious grace is that which causes the operation itself. - We leave to Dogmatic Theology that most sharp controversy whence the efficacy of grace comes, whether namely from itself and intrinsically, or from the consent of the free will.

Habitual grace is a supernatural quality inhering in the essence of the soul, through which not only are all sins remitted, but we are also truly made adoptive sons of God and sharers of the divine nature. Together with this

habitual grace all virtues and all gifts of the Holy Spirit are infused; without it man can merit nothing *de condigno*.

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[1] For baptized infants who have died before obtaining the use of reason, the ultimate end or eternal beatitude comes not as merit, but as an inheritance liberally granted to them on account of the merits of Christ.

[2] *S. theol.* I-II, q. 109, a. 1-3.

[3] Ibid. a. 5 and 6.

[4] *S. theol.* I-II, q. 111, a. 2.

[5] L. c.

136. Notion of Merit. Merit taken more broadly signifies a certain dignity of a thing, on account of which something belongs to it. Thus, for example, it is customary to say of an elegant painting that it deserves to be seen. But merit properly so called belongs only to human acts, of which it is a certain property rendering them worthy of retribution. And indeed a good act merits reward; but an evil act merits punishment. Yet merit is said rather of good acts than of evil acts; for evil acts have demerit. Therefore merit in the strictest sense is defined: the property of a good act by which it is worthy of reward; or in concrete: it is the good act itself worthy of reward. And so the cause of merit is the goodness of the act; but the effect of merit is reward. Theological merit, of which there is discussion here, is a good work before God worthy of reward.

137. Divisions. 1. First of all a twofold merit is distinguished: one *de condigno*, the other *de congruo*.[6]

Merit *de condigno* is a good work to which reward is owed from justice or at least from a promise made. Only this merit *de condigno* is properly and simply merit; and therefore, unless some clause is added, merit *de condigno* is always understood whenever theologians speak simply of merit. - Merit *de congruo* is a good work to which reward is owed neither from strict justice nor from a promise made, but from a certain congruity or fittingness, or from the friendship and liberality of the one rewarding.[6a] An example of each merit is had in a faithful servant, who not only fulfills his due office, but also freely performs certain supererogatory works. This servant merits *de condigno* the wage determined by contract; but *de congruo* he merits certain special gifts of his master.

2. Merit both *de condigno* and *de congruo* is subdivided into that strictly and less strictly so called.

Strict merit *de condigno* or merit from strict justice is an act which wholly equals the reward obtained, which therefore cannot be refused without manifest injury of justice. Such merit *de condigno* strictly so called is the congruous and stipulated wage for a faithful servant. In the supernatural order the acts of Christ alone had merit strictly so called *de condigno*. For the actions of Christ, who was God and man, were wholly worthy of an infinite reward. - Merit *de condigno* more broadly so called belongs to good works done in the state of sanctifying grace. In this way, for example, a just man merits eternal life, because there is a certain condignity and parity (but not every kind of parity) between works done from grace and eternal life.

Merit *de congruo* strictly so called includes a true congruity between work and reward; for example, *de congruo* some just man can merit conversion for a sinner; "for since a man constituted in grace fulfills the will of God, it is congruous according to the proportion of friendship that God fulfill the man's will in the salvation of another."[7] - Merit *de congruo* broadly so called belongs to all works and is almost nothing other than a certain impetration.[8] Thus a sinful man, from good works done with actual grace, can merit the state of sanctifying grace *de congruo* broadly so called.[9]

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[6] In German merit *de condigno* can be called: *Verdienst nach Recht*; merit *de congruo*: *Verdienst nach Billigkeit.*

[6a] Cf. St. Thomas, *In II Sent.*, dist. 27, q. 1, a. 3 sol.

[7] *S. theol.* I-II, q. 114, a. 6.

[8] Cf. Billuart, l. c. a. 5 in the beginning.

[9] *S. theol.* q. 114, a. 9.

138. Scholion. On Reward in Heaven. To the merit of supernatural acts there corresponds reward in heaven, which reward is usually divided into essential, consisting in the beatific vision, and accidental, containing all goods which secondarily come to the blessed besides the beatific vision, for example, the three aureoles (of martyrs, doctors, virgins), joy concerning the company of angels, of the other blessed, concerning veneration received from men still living on earth, etc.

139. Conditions Required for Supernatural Merit. Six conditions required for supernatural merit are customarily enumerated, namely, three on the part of the work, two on the part of the one meriting, and one on the part of God rewarding. For it is required:

1. That the work be free. This is of faith. Wherefore the third proposition of Jansenius was condemned as heretical: "For meriting and demeriting in the state of fallen nature there is not required in man freedom from necessity, but freedom from coercion suffices."

2. That the work be good. It is plain of itself, since neither an evil nor an indifferent work is worthy of eternal reward. Not just any goodness suffices, but supernatural goodness is required, which, namely, proceeds from supernatural grace; indeed according to some authors, which proceeds from a motive of supernatural faith. In this sense the Angelic Doctor seems to say:[10] "Faith is necessary as the principle of spiritual life." And we are said to be saved through faith.[11] Nevertheless there are other authors[12] who require nothing else for a supernatural act than that the act be ethically good and from grace or from a supernatural principle. For practice this controversy is of little moment, since that motive is most easily present, at least virtually, in any good work of a justified man.

3. That the work be done in homage to the one rewarding, that is, to God.[13] It is plain of itself. For God will not give reward except for works completed in His homage; and this homage indeed is already sufficiently had if someone observes the commandments of God from filial fear or at least initial fear. For some influence of charity seems to be necessary, that works may be rendered meritorious. For this reason the Angelic Doctor[14] teaches: "Eternal life consists in the fruition of God. But the motion of the human mind toward the fruition of the divine good is the proper act of charity, through which all acts of the other virtues are ordered to this end, according as the other virtues are commanded by charity. And therefore the merit of eternal life first belongs to charity, but to the other virtues secondarily, according as their acts are commanded by charity." But even the least influence suffices; hence in practice the controversy of theologians concerning the quality and degree of that influence is almost useless.[15] And therefore St. Thomas says:[16] "When someone orders himself to God as to the end in all things which he does on account of himself, there remains virtually the intention of the ultimate end, who is God: whence he can merit in all things, if he has charity"; and: "there cannot be any act proceeding from a deliberate will in one having grace which is not meritorious."[17] Wherefore briefly and truly it can be said: Whoever, existing in the state of sanctifying grace and eliciting an act of charity at the due time, merits by any good work freely performed.

4. The state of the wayfarer. For after death man can no longer merit, God so willing, according to the words of Christ[18] understood in the spiritual sense: "The night cometh [that is, death], when no man can work

[namely, meritoriously]."

5. The state of sanctifying grace. This follows from the words of Christ:[19] "As the branch cannot bear fruit of itself, unless it abide in the vine; so neither can you, unless you abide in me." But man is joined with Christ through sanctifying grace, which renders him a sharer of the divine nature.[20] - The same is plain from condemned propositions:[21] "The reason of merit does not consist in this, that he who works well has grace and the indwelling Holy Spirit, but only in this, that he obeys the divine law" (prop. 15 of Baius). - "It is the opinion of Pelagius: a good work done short of the grace of adoption is not meritorious of the kingdom of heaven" (prop. 12 of Baius). - The necessity of sanctifying grace for every work truly meritorious *de condigno* can easily be proved also by theological reasons: **a)** It is impossible that a man who is an enemy and hateful to God, such as a sinner is, should do works pleasing and meritorious, since God first regards the one offering rather than the gifts offered. - **b)** For merit *de condigno* there is required a certain proportional equality between the work done and the reward proposed. But there is no proportional equality between works done by a man in the state of mortal sin and sanctifying grace or eternal glory, since those works are of the natural order, while grace and glory are of the supernatural order. Therefore a man in the state of mortal sin cannot merit grace and glory.[22]

6. The ordination or promise of God.[23] The reason is that through merit *de condigno* we acquire a true right to a supernatural wage. But a creature can acquire no right toward God unless a special promise of God is present. For man, as a creature and having his whole being and acting from God, is bound to serve God with all his powers, without having any strict right of retribution. Hence Christ[24] warns: "When you shall have done all the things that are commanded you, say: We are unprofitable servants; we have done that which we ought to do." Therefore God from justice is not bound to give reward for our works, since they are owed to Him under so many titles. Therefore it is necessary that the promise of God accede to this, that a work performed by man merit a supernatural wage *de condigno*. For this reason it is proposed by the Council of Trent:[25] "Eternal life ... as a recompense to be faithfully rendered, from the promise of God Himself, to their [namely, the just] good works and merits."

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[10] Ibid. II-II, q. 16, a. 1 ad 1.

[11] Rom. 5:1.

[12] For example, Noldin, *Princ. Theol. mor.* n. 97. Cf. on this matter Bouquillon, *Theol. mor. fund.* n. 396.

[13] *S. theol.* I-II, q. 21, a. 4.

[14] Ibid. q. 114, a. 4.

[15] Cf. Billuart, *Dissert. de merito* a. 4; Noldin, *De princ.* n. 103 sq. and below n. 559, Schol. 2.

[16] *De caritate* q. unic., a. 11 ad 2; cf. *De malo* q. 2, a. 5 ad 7 and ad 11.

[17] 2 dist. 40, q. 1, a. 5.

[18] John 9:4. - In the *Catena aurea* St. Thomas cites for this place the words of St. Augustine: "There will be night, where no one can work, but receive what he has worked. While you live, do if you are going to do anything: for beyond there is neither faith nor labors nor penance."

[19] John 15:4.

[20] Cf. 2 Pet. 1:4.

[21] Denz. n. 1012 and 1013.

[22] For a fuller explanation of this condition see Billuart, *Dissert. de merito iusti* a. 1.

[23] Cf. *S. theol.* I-II, q. 114, a. 1 ad 3.

[24] Luke 17:10.

[25] Sess. 6, cap. 16 (Denz. n. 809).

140. Object of Merit can be called that which man can merit before God by his acts. A longer dissertation on this matter we leave to Dogmatic Theology, indicating only the following:

1. De condigno a just man can merit: **a)** increase of sanctifying grace; **b)** eternal life; **c)** increase of glory. - All these things indeed are clearly deduced from the Council of Trent:[26] "If anyone says that the good works of a justified man ... do not truly merit increase of grace, eternal life and the attainment of that eternal life, if nevertheless he has departed in grace, and also increase of glory, let him be anathema." Certainly the Council did not define that these three fall under merit *de condigno*; nevertheless, since it says that man truly merits those three, and only merit *de condigno* is true merit, it seems to be certain by faith that these three also fall under merit *de condigno*. - A man existing in the state of mortal sin can merit nothing *de condigno*, because he lacks sanctifying grace, which is the principle of all merit *de condigno*, as has already been said.

2. De congruo (broadly so called) a just man can merit: **a)** final perseverance. Some theologians nevertheless teach that the gift of perseverance can in no way be merited, but only obtained by prayer.[27] It is a dispute about words. - **b)** Reparation after mortal sin, if it shall occur, according to that: "When my strength shall fail, do not forsake me."[28] - *De congruo* strictly so called a just man can merit: **a)** temporal goods; but insofar as they are helps conducive to eternal life, they fall simply under merit.[29] - **b)** Actual graces for himself and other men, indeed also conversion for a sinner.[30] Thus St. Stephen is said to have obtained the conversion of Saul; St. Monica the conversion of her son Augustine.

A man existing in the state of mortal sin can merit *de congruo*, not indeed the first actual grace,[31] but with actual grace mercifully received from God he can merit further actual graces, indeed also sanctifying grace.[32] In this sense is to be understood the adage often employed by theologians: "To one doing what is in him, God does not deny grace." For man from purely natural powers, without the help of supernatural grace, is not able to overcome all the obstacles of grace. For if a sinful man from purely natural powers, by doing what is in him, could merit *de congruo* the first actual grace, *a fortiori* he would merit the second and third grace and finally at some time sanctifying grace. Therefore man could by his own powers perform at least the beginning of his supernatural salvation; which is the Semipelagian heresy. Hence it seems certain, not to say of faith, that a sinful man can in no way, not even *de congruo* broadly so called, merit the first actual grace.[33]

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[26] Sess. 6, can. 32 de Iustif. (Denz. n. 842).

[27] Cf. *S. theol.* I-II, q. 114, a. 9.

[28] Ps. 70:9. St. Thomas, speaking of merit of congruity strictly so called, teaches: "No one can merit for himself reparation after a future fall, neither by merit of condignity nor by merit of congruity" (*S. theol.* I-II, q. 114, a. 7).

[29] *S. theol.* I-II, q. 114, a. 10.

[30] Ibid. a. 6.

[31] Cf. *S. theol.* l. c. a. 7 and Billuart, *De gratia* diss. B, a. 5.

[32] In this sense it is said: "Redeem thy sins with alms" (Dan. 4:24).

[33] Conc. Trid. sess. 6, cap. 5 and 8.

Treatise III. On Laws

Cf. Cod. iur. can. c. 8-30 and c. 63-86; St. Thomas (*S. theol.* I-II, q. 90-106); St. Alphonsus (*Theol. mor.* 1, 99-208); St. Antoninus (*S. theol.* I, tit. 11-18); Dom. Soto (*De iust. et iur.* l. 1 and 2); Suarez (*De legibus*; it is a very copious treatise, but not seldom disagreeing from the doctrine of St. Thomas); Mart. Bonacina (*De legibus in gener. et in particul.*; it is a very commendable treatise). Among moderns, among others, Bouquillon (*Theol. fundam. de lege*), D'Annibale (*Summul.* I, tr. 3), A. Vermeersch (*Theol. mor.* tom. I, tr. 3) are read with fruit.

141. Preliminary Note. Having considered human acts, it is necessary to treat of the norms of their morality. The norm of the morality of human acts is the eternal law and its application in a rational creature, namely, conscience,[1] or in other words: The supreme norm according to which all human acts must be directed is the eternal law ordained by God. For God is our ultimate end, and in conjunction with Him consists our beatitude, toward which all human acts must tend.[2] By force of His supreme dominion God has prescribed to us the way by which we can come to Him and to our beatitude. The laws given by Him indicate this way. Not all laws indeed have been given immediately and directly by God, but some are imposed upon us only indirectly and mediately (namely, through a legitimate created authority). But all laws, as many as are just, must necessarily be derived in some way from the eternal law.[3] Hence it follows that we cannot attain our ultimate beatitude except by obeying just laws, whether divine or human. - The proximate (subjective) norm of our actions is our conscience or the dictate of right reason; and this norm indeed must agree with and be subordinated to the laws given by God. All human acts are to be regulated from these two norms; if they agree with them, they are morally good; but if they disagree, they are morally evil, or sins. Therefore fittingly after the treatise on human acts there is subjoined the treatise on the norms of morality, and indeed first on the supreme and objective norm, namely, on the eternal law and the other laws deduced from it; and then on the proximate and subjective norm, that is, on conscience.[4] The whole treatise on laws, which is equally necessary in Moral Theology and in Ecclesiastical Law, we divide into three chapters:

1. On the notion and divisions of law in general;

2. On law given by God, or on divine law;

3. On human law.

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[1] Cf. above n. 108.

[2] Cf. above n. 24.

[3] *S. theol.* I-II, q. 93, a. 3.

[4] In the work *Philosophia moralis et socialis* (I, n. 341), the distinguished L. Lehu well proves that according to logical order the treatise on laws is to be placed before the treatise on conscience.

Chapter I. On the Notion and Divisions of Law

142. Notion. The name of law (*lex*) seems to be derived from binding (*ligare*).[5] For creatures are bound to certain norms of acting, which they must observe for the good of the whole universe; and therefore absolutely all creatures are bound by laws given by God and are subject to them. But irrational creatures (whether animate or inanimate) are necessarily subject to physical laws. And so the Creator has established physical

laws for the stars in the firmament of heaven as well as for worms on the earth; and all beings obey at the nod of the eternal ruler. In Moral Theology we do not speak of these physical laws, of which the natural sciences treat.

There are other laws, which bind only rational creatures by prescribing norms according to which free actions are to be ordered in relation to the ultimate end. They are called moral laws, and now there is discussion of these alone. But moral law can be considered in three ways: **1.** According as it exists in the legislator as in the one regulating, and according as it pre-requires three acts, namely, **a)** an act of reason deliberating and determining what is useful for the good government of the community; **b)** an act of will determining that such statutes bind subjects; **c)** an act of promulgation of the law in the community. - **2.** According as it is in the subjects as in those regulated. For subjects must know the law and its obligation and be directed according to it in their actions. - **3.** According as it is in an exterior sign, for example, in a book of laws (*Bürgerliches Gesetzbuch, Strafgesetzbuch, Code civil*, etc.) or in a custom having the force of law. - Now we take law according to the first consideration, and in this sense law is defined by St. Thomas:[6]

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[5] Others derive the name of law from *legere*, others from *eligere*.

[6] *S. theol.* I-II, q. 90, a. 4.

143. Definition. Law is "a certain ordinance of reason for the common good, promulgated by him who has care of the community."

This definition indeed, as if classical and magisterial and approved by almost all authors, must be explained in a few words.

It is said first: "a certain ordinance of reason,"[7] by which words is designated the proximate efficient cause of law, namely, reason. For practical reason and not will (as some teach after Suarez) properly causes law. For it belongs to reason and not to will to order to a due end through proportionate means, to find norms of acting, and to command.[8] Certainly in establishing a law the will also must intervene, but it is not the proper and proximate cause, because it only moves reason to acting and, once the law has been established, executes its application. Since by the Angelic Doctor law is called a certain ordinance, it is intimated that not every ordinance of reason is law, since a precept and counsel are also ordinances of reason. Therefore the ordinance which causes law must be a true command, and therefore have certain qualities, namely, it must be **a)** efficacious and preceptive, inducing a true obligation; hence, for example, counsel, although it is also a certain ordinance of reason, nevertheless is not law; **b)** firm, stable, and perpetual, namely, in this sense, that it does not cease after a short time or through the death of the legislator, nor is it borne for present men only, but also for future subjects. Yet from this nothing prevents a law from being able to cease from diverse causes, as will be said below. By this perpetuity law is especially distinguished from a simple common precept, that is, one given to a community, which is usually not binding for so long. Nevertheless there are also other differences between law and a common precept.

Moreover, in practice it is not always clearly certain whether some moral obligation imposed upon subjects is a true law or only a precept or statute. But the obligation of some common precept or statute can be equally or even more grave than that of some law. Hence for Moral Theology it often matters little whether some obligation arises from law or from a common precept alone. - A particular precept, which is given to some particular person or family, is plainly distinguished from law of itself.

It is said second: "for the common good,"[9] by which words is designated the necessary end of any law. Therefore an ordinance of a superior which tends to the evil or detriment of the community is not a true law

or ceases to be law. Hence utility for the common good, which every law must intend, is assigned as a necessary property of any law. And so the precepts of tyrants, which tend only to some private good, are not laws.[10] - But the common good can be obtained through laws in two ways: namely, directly and indirectly.

A law directly procures the common good insofar as the actions prescribed immediately benefit the community and only indirectly the subject persons; for example, laws of taxes directly serve the republic, which nevertheless must expend the money obtained from taxes for the utility of the subjects. Some law indirectly imports the common good insofar as it immediately and first causes private good, and by means of private good conduces to the common good; for example, privileges granted to religious are true laws, which indeed immediately and first conduce to the private good of religious, but indirectly also bring great utility to the common good of the whole Church, since religious are bound to use their privileges for the honor and profit of the Church. The same holds concerning the so-called privilege of the "canon" granted to all clerics.

It is said third: "by him who has care of the community." By these words is designated the author of the law or the legislator. For no one is able to establish laws properly so called except he who has care of the whole community, whether he is a prince or some legislative body.[11] For it would be illicit usurpation if someone wished to impose some obligation upon the whole community, unless he had care of that community. Hence laws introduced by custom are not true laws before at least the implicit consent of the legislator has acceded, as will be said below n. 278. But a community which is capable of receiving laws must be a perfect community, that is, one of its own right, having in itself sufficient means for arriving at its proper end and independent in its own order from any other society. Hence, for example, since the domestic family is not a perfect community, the father of the family can indeed issue statutes and precepts, but not laws properly so called. In ecclesiastical and civil law those communities which are autonomous, that is, which can establish laws for themselves, are expressly designated.

It is said fourth: "promulgated." Promulgation is the public intimation of law made by the legislator for the subjects. No ordinance of a superior can actually bind subjects unless it has been promulgated. But when sufficient promulgation is present will be said below concerning individual laws. Whether promulgation is of the essence of law or only a condition of law is disputed among authors.[12]

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[7] In the German language it is said: *Verordnung, Anordnung*; in the French language: *ordonnance*. The word *ordinatio* here is to be taken actively and not passively. Yet the ordinance of the legislator causes in the subjects an excellent passive ordination or order.

[8] *S. theol.* I-II, q. 90, a. 1. Already Tertullian said: "Law consists in reason."

[9] *S. theol.* a. 2. This common good is both temporal and spiritual, namely, the ultimate end (cf. St. Thomas I-II, q. 91, a. 4).

[10] Since law necessarily procures the common good, it also necessarily has certain properties, which are enumerated in this way in the Decree of Gratian (c. 2, D. 4): "Now a law will be honorable, just, possible, according to nature, according to the custom of the country, fitting to place and time, necessary, useful, also manifest, lest it contain anything through obscurity unto deception, written for no private advantage, but for the common utility of citizens."

[11] Below n. 185 it will be said who are able to make laws.

[12] *S. theol.* I-II, q. 90, a. 4 and Billuart, *De leg.* diss. 1, a. 3. Promulgation more truly does not pertain to the essence of law, which consists in this, that it be a rule of morals. But promulgation is neither the rule of morals nor a part of the rule, but only a manifestation of that rule. Nor does the Code of Canon Law c. 8, § 1, establishing after Gratian, "Laws are instituted when they are promulgated," stand against this opinion. For by promulgation laws indeed are instituted perfectly and as to second act, but they can already have been instituted before in first act by the legislator.

144. Corollary 1. From the definition given it follows that moral law indeed induces a moral obligation, but does not destroy liberty. For liberty by no means consists in license of doing whatever things are willed, but is

the faculty of choosing means while the order of the end is preserved. Moreover, sometimes for a private man it is most difficult by his own genius to find means apt for attaining the ultimate end. But if someone observes just laws (whether civil or ecclesiastical), he is certain that he is employing right means for attaining his ultimate end. For any just law renders subjects good and leads them securely to the ultimate good. Since these things are so, even if man had not sinned, moral law would still have been given for the human race.

145. Corollary 2. St. Thomas[13] enumerates four acts of law, namely, to command, to prohibit, to permit, to punish. For law is instituted for directing human acts to the good of the community. Moreover, for obtaining the good of the community, good acts are to be done, and consequently they are commanded; evil acts are to be omitted, and therefore they are prohibited. But some acts are to be permitted, that is, neither commanded nor prohibited, because otherwise the liberty of subjects would be too much restricted. Finally, transgressors of the law and evildoers are to be punished; for this pertains to the sanction of law. For a law is sanctioned from the fact that it is constituted holy, that is, inviolable; and this indeed is done by punishing transgressors or also by rewarding observers. - Certain modern authors still posit a fifth act of law, namely, to invalidate; for invalidating laws exist, as will be explained below; but this act of invalidating is reduced to the act of punishing, because in reality the invalidated act is some punishment for him who placed that act.

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[13] *S. theol.* I-II, q. 92, a. 2; cf. L. 7, Dig. 1, 3 in the old Roman law.

146. Divisions. Very many divisions of law are brought forward, and there is no time to enumerate them all here. The principal divisions are:

1. By reason of the author: divine law and human law, according as either God Himself or man was the immediate legislator. But divine law is subdivided:

a) into eternal law, which is the reason of divine wisdom according as it is directive of all creatures to the ultimate end;

b) into natural law, which God has implanted in rational creatures and which is nothing other than the light of natural reason showing what is to be done for obtaining the ultimate end;

c) into positive-divine law, which has been promulgated by special divine revelation and is contained in the Old and New Testament.

But human law is subdivided:

a) into ecclesiastical, which has been given by an ecclesiastical legislator;

b) into civil, which has been made by a civil legislator.

2. By reason of the object: affirmative law and negative law are distinguished,[14] insofar as the former directly gives precepts concerning good things to be done, for example, God is to be worshiped; the neighbor must be loved; - but the latter prohibits certain depraved acts, for example, do not commit theft, do not tell a lie.

The adage must be noted: "An affirmative law binds always, but not for always; but a negative law binds always and for always." The sense of this adage is: An affirmative law does not demand that the prescribed acts be placed at every moment; but a negative law demands that the prohibited act be omitted at every moment; for example, the affirmative law of love toward the neighbor requires that we indeed love the neighbor, but we are by no means bound to elicit acts of love at every moment; but the negative law of not stealing demands that always and at every moment we abstain from theft; for it is never licit to steal.

Other divisions have place only in human laws, for example, invalidating law, penal law, law founded on a false presumption, etc.; and therefore we omit them now, since later in their own places we shall treat of them.

[14] In German: *gebietende und verbietende Gesetze.*

147. Scholion. On the Name of Law in Sacred Scripture. The name of law is very often used in Sacred Scripture, but not in one and the same sense. Thus, for example, law sometimes signifies an inclination or propensity: "I see another law in my members, fighting against the law of my mind."[15] Sometimes it signifies the work itself prescribed by the law: "None of you keepeth the law."[16] - Sometimes it signifies the book which contains the law; and thus the book of the Pentateuch is usually called the law. Therefore one must attend to the particular sense in which the word law is employed in each place.[17]

[15] Rom. 7:23.

[16] John 7:19.

[17] See Billuart, *De leg.* diss. 1, a. 1.

Chapter II. On Divine Law

Divine law is threefold, as was said above, namely, eternal, natural, positive-divine. Each must be treated individually.

Article I. On the Eternal Law

148. Existence. Already the ancient pagans spoke of the eternal law, insofar as they knew that the world was made by the gods.[1] Especially Cicero[2] proclaimed the eternal law with great eloquence, saying: "This, therefore, I see to have been the opinion of the wisest men, that law is neither a thing devised by the genius of men, nor some decree of peoples, but something eternal, which would rule the whole world by the wisdom of commanding and forbidding. Thus they said that that first and last law was the mind of God commanding or forbidding all things by reason; from which that law which the gods gave to the human race is rightly praised.... Therefore true and chief law, apt for commanding and forbidding, is the right reason of supreme Jove." - But all Christians, who believe in one God, creator and governor of the whole world, must consequently admit the eternal law, which is nothing else than the reason of the government of the whole world existing in the divine mind. Among the Holy Fathers St. Augustine[3] stands out, treating this matter in many places and almost following the footsteps of Cicero. - On the contrary, all who deny one personal God, creator and governor of the whole world, such as Atheists, Pantheists, Materialists, Monists, etc., utterly reject the eternal law as a true moral law.

[1] Cf. many testimonies brought forward by Ernst Seydl, *Das ewige Gesetz in seiner Bedeutung für die physische und sittliche Weltordnung* (Vienna 1902).

[2] *De leg.* l. 2, c. 4, § 8.

[3] *De ordine* 2, 4, 11; *De libero arb.* 1, 6, 15; *De civ. Dei* 19, 12-13; *Contra Faustum* 22, 27.

149. Essence. Commonly two definitions of the eternal law are adduced: one of St. Augustine, the other of St. Thomas. The Augustinian definition is this: "The eternal law is the divine reason or will of God commanding the natural order to be preserved, forbidding it to be disturbed."[4] Suarez[5] rightly notes that in this definition the word "or" is taken for "and." The Thomistic definition is this:[6] "The eternal law ... is the reason[7] of divine

wisdom, according as it is directive of all acts and motions." - Before God made the world, He had the most perfect idea of the whole order of all creatures. He established that order, and all things whatsoever that have been created in time are subject to this order, which is a most beautiful pre-established harmony. Material and irrational beings, for example, stars, plants, animals, etc., necessarily execute this established order; but rational beings, such as man and angel, freely perform those things which the eternal law has established. The Angelic Doctor writes to the point:[8] "There is a twofold mode by which something is subject to the eternal law: in one mode insofar as the eternal law is participated by way of cognition; in another mode by way of action and passion, insofar as it is participated by way of an interior motive principle. And in this second mode irrational creatures are subject to the eternal law. Rational nature ... according to each mode is subject to the eternal law: because it both has in some way a notion of the eternal law and again [because] in every rational creature there is a natural inclination to that which is consonant with the eternal law." From these words it follows that the eternal law comprehends both the physical and the moral order of the world; but it more principally touches the moral order, both natural and supernatural.

From these things said it is easily understood how the eternal law, the divine idea, and divine providence (which are really the same in God as being most simple and free from every composition) are distinguished according to our mode of conceiving.

The divine idea is the concept of all created beings, indeed also of possible beings, existing in the divine mind. For just as an architect makes a drawing (commonly, a Plan) before he builds a house, so God freely chose some idea from many, according to which He would construct the whole world. The divine ideas are many; the eternal law is one.

The eternal law is the reason of the government of all beings to the end proposed by God, namely, to the glory of God (*Weltregierungsplan*).

Divine providence is the execution of the eternal law in individual creatures. Hence St. Thomas[9] says: "In God the eternal law is not providence, but as it were the principle of providence; and hence also the act of providence is fittingly attributed to the eternal law."

The eternal law is law properly so called,[10] since the definition given concerning law belongs to it in a perfect mode. For it is an ordinance of divine reason for the good of the whole universe, by Him who has care of the community, namely, by God Himself, promulgated. The promulgation of the eternal law indeed was not present from all eternity (except in the divine Word), since then creatures did not exist except in the divine mind alone; but actual promulgation is not of the essence of law.[11] Moreover, it seems that even in the eternal law sufficient promulgation was present. For promulgation is necessary for inducing the obligation of law. But from eternity God determined through the eternal law all obligations by which creatures in future time would be bound, nor has any change of these obligations ever come, since God is wholly immutable.[12]

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[4] *Contra Faustum* l. c. (Migne, *Patr. lat.* 42, 418).

[5] *De leg.* l. 2, c. 6, n. 13.

[6] *S. theol.* I-II, q. 93, a. 1.

[7] Reason is the same as: Plan.

[8] *S. theol.* I-II, q. 93, a. 6.

[9] *De verit.* q. 5, a. 1 ad 6; cf. *Contra Gent.* III, 97, 115, 121.

[10] That the eternal law is not law properly so called is taught by St. Alphonsus (*Theol. mor.* I, de conscientia 75), Cl. Marc-Raus (*Instit. Alphons.* I, 116), and others.

[11] Cf. *S. theol.* I-II, q. 90, a. 4.

[12] Ibid. q. 91, a. 1 ad 2.

150. Derivation of All Other Laws from the Eternal Law. St. Augustine[13] rightly says: "There is nothing just and legitimate which men have not derived for themselves from the eternal law." But all other laws must be derived from the eternal law in a threefold way:

1. As from an exemplary cause. For no law is just and right unless it is conformable to the eternal law, that is, to the order constituted by the eternal law.

2. As from an efficient cause. For by God's ordination legislative power has been constituted among men. Wherefore it is said:[14] "By me kings reign, and lawgivers decree just things."

3. As from a directing cause. For the eternal law, known by means of faith or even reason, directs legislators, so that they may see what and what sort of laws are to be established according to the diversity of times, places, and persons.[15]

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[13] Sermon 81, n. 2 (Migne, *Patr. lat.* 38, 400).

[14] Prov. 8:15.

[15] *S. theol.* I-II, q. 93, a. 3.

Article II. On the Divine Natural Law

151. 1. Notion. The essence of the natural law is not explained in the same way by diverse authors. Some say that the natural law is rational nature itself, insofar as certain acts agree or disagree with it. Others assert that the natural law is a natural habit, by which each man knows the duties imposed upon him according to nature. Others think that the natural law is the actual dictate of natural reason. Others finally say that the natural law is the eternal law itself, and therefore they apply indiscriminately to both eternal and natural law the Augustinian definition given in the preceding article. Leaving aside all these opinions, which there is no time to refute one by one,[16] we say with St. Thomas:[17] "The natural law is nothing other than the participation of the eternal law in a rational creature." But we speak only of the moral natural law, not of the physical natural law, as we have already noted above.

It is explained: From eternity God knows and orders whatever is consonant with rational nature; and this ordinance existing in the divine mind is called the eternal law. But in time God created the human race and implanted in it this His ordinance conceived from eternity. Therefore as soon as man is born, he is also subject to this natural law. This participation of the eternal law, or moral order constituted by God, is the natural law considered objectively. But when man attains the use of reason, he knows at least the first principles of the natural law, for example, good is to be done and moral evil is to be avoided. And he not only knows that this law exists, just as, for example, someone knows the existence of the ancient Roman law, but he also intimately perceives that this natural law is strictly imposed upon him. This participation of the eternal law is the natural law considered subjectively.

This law is called natural for a twofold reason: **1.** Because it includes only precepts which are deduced from the very nature of man. In this way it is distinguished from all other laws and notably from positive divine law, which contains precepts obliging from the divine will alone, for example, the obligation of receiving the

sacraments. Sometimes, however, positive divine law for greater inculcation still expressly commands those things which have already been established by the natural law, for example, the precepts of the Decalogue. It is also distinguished from the eternal law, since this extends more broadly, containing besides the supernatural order. - **2.** Because the natural law is known, or at least can be known, from the light of natural reason alone, without divine revelation or human magisterium being required. Nevertheless, with divine revelation or human magisterium acceding, the natural law is known more easily and more clearly, as is plain of itself.

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[16] See these refutations in Billuart, *De leg.* diss. 2, a. 2.

[17] *S. theol.* I-II, q. 91, a. 2. In German: *Das Naturgesetz ist die Ausstrahlung oder der Abglanz des ewigen Gesetzes in den vernünftigen Geschöpfen.* In French: *La loi naturelle est le reflet de la loi éternelle dans la créature raisonnable.*

152. 2. Existence of the Natural Law is denied not only by Atheists, Materialists, Pantheists, etc., but also by all those who do not admit the supreme objective norm of morality;[18] especially also by followers of the so-called "Historical School,"[19] who admit no other law properly so called except positive law. According to these authors the state is the supreme legislatrix, and without it no law induces juridical obligation. Against all these the existence of the natural law is easily proved:

1. From Sacred Scripture. St. Paul[20] says: "For when the gentiles, who have not the [Mosaic] law, do by nature (*φύσει*) those things that are of the law, these, not having the law, are a law to themselves: Who show the work of the law written in their hearts, their conscience bearing witness to them, and their thoughts between themselves accusing or also defending, in the day when God shall judge the hidden things of men, according to my Gospel, through Jesus Christ." - From these words the following clearly appear: **a)** that the gentiles, who lacked the Mosaic law, nevertheless knew and observed certain precepts of the natural law; **b)** that this law is inscribed on the heart of every man; **c)** that on the day of judgment God will judge men according to this law. - Leo XIII[21] expresses similar things in these words: "Such is the first of all laws, the natural law, which is written and engraved in the souls of individual men, because it is human reason itself commanding right action and forbidding sin."

2. By manifold reason. a) The natural law is nothing other than the participation of the eternal law in a rational creature. But the eternal law exists, indeed must exist, since without the eternal law there would be neither providence nor governance of the world; and consequently the whole world would perish. Therefore the natural law also exists and must exist in the rational creature. - **b)** To the whole world the glory of God has been established by the Creator as its end. But each creature must cooperate toward this end, and indeed according to the character of its nature: irrational creatures by following the physical rules imposed upon the world; but rational creatures by freely observing the moral rules wisely imposed by the Creator for the preservation of the moral order and for the good of human society. But these moral rules are the natural law. - **c)** A third and indeed apodictic argument is drawn from the conscience of every man. For conscience intimately and with undoubted conviction dictates to each one that good is to be done, evil is to be omitted, that certain actions are intrinsically evil, such as to blaspheme, to kill the innocent, etc.; on the contrary, that certain other actions are intrinsically good, as, for example, to honor parents, to worship God, etc. But conscience not only intimately perceives the goodness or malice of these actions, but also persuades itself that these actions are to be done or omitted. Therefore after the transgression of this obligation vivid remorse of conscience arises, while on the contrary after faithful observance of these precepts conscience is tranquil and procures sweet internal peace for man. - The existence of this conscience punishing or rewarding was already acknowledged by the ancient pagans, such as Aeschylus,[22] Cicero,[23] Horace,[24] Tacitus,[25] Juvenal,[26] etc. All these things indeed manifestly demonstrate that in the heart of every man there is a law inscribed by the

Creator, wholly indelible and independent from all positive statutes. This law is called the natural law. - **d)** The same is established from the testimony of all peoples. History and ethnography prove that all peoples, even barbarous ones, however much they think differently concerning some moral precepts, nevertheless agree in general moral precepts, for example, that good is to be done, that parents are to be honored, that the divinity is to be worshiped, etc. All peoples also admit that general precepts of this kind do not arise from the decrees of some king or senate or plebiscite, but have been imposed by nature itself or by the divine numen.[27]

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[18] Cf. above n. 100 sqq.

[19] K. v. Savigny, F. Stahl, Puchta, R. v. Jhering, etc.

[20] Rom. 2:14-16.

[21] Encycl. *Praestantissimum*, June 20, 1888.

[22] *Agamemnon* 179.

[23] *De leg.* l. 1, c. 14.

[24] Ep. 1, 1, 60.

[25] *Annal.* 6, 6.

[26] *Satyr.* 13, 196. Behold the words of this poet:

[27] Lactantius (*Instit.* 6, 8 [Migne, *Patr. lat.* 6, 660-661]) brings forward the following most beautiful words from Cicero: "There is indeed a true law, right reason, congruent with nature, diffused into all, constant, everlasting; which calls to duty by commanding, deters from fraud by forbidding; which nevertheless neither commands nor forbids the upright in vain, nor moves the wicked by commanding or forbidding. It is not lawful for this law to be abrogated, nor is it permitted that anything be derogated from it, nor can it be wholly abrogated; nor indeed can we be released from this law through the senate or through the people; nor is another expounder or interpreter of it to be sought; nor will there be one law at Rome, another at Athens, one now, another hereafter, but one and everlasting and immutable law will contain all nations and at every time, and there will be one God, as it were the common master and ruler of all, He the inventor, judge, and bearer of this law; and whoever will not obey Him will flee himself, and, having spurned human nature, by this very fact will pay the greatest penalties, even if he should escape the other punishments which are thought such."

153. 3. Subject of the Natural Law is every man of all times and places. Wherefore even children and the insane are subject to the natural law, and consequently they sin materially when they commit acts prohibited by the natural law, for example, by acting immodestly, blaspheming, etc. But although these persons, because of defect of the use of reason, cannot sin formally, nevertheless, since even material sin is something evil and therefore to be avoided, no one can licitly induce them to transgression of the natural law.

154. 4. Object of the Natural Law. As is plain from the things said above in n. 151, the natural law contains all precepts which are deduced from the very nature of man and can be known by the light of reason alone. Therefore the object of this law is the natural moral order necessarily to be observed and naturally known. With St. Thomas a threefold object of the natural law is distinguished:

1. first and most universal principles, which are necessarily known by force of synderesis, namely, good is to be done; evil is to be avoided;[28]

2. secondary principles, which are immediately deduced from the first principles and are very easily known by every man using reason; to these principles belong all precepts of the Decalogue;[29]

3. remote conclusions, which are deduced by diligent reasoning from primary and secondary principles, for example, marriage is altogether indissoluble, duel is always illicit, abortion is illicit, etc.

> But a punishment vehement and much more savage than those which grave Caeditius or Rhadamanthus devised: to carry night and day one's own witness in the breast.

5. Properties of the Natural Law. The natural law is **1.** universal; **2.** immutable; **3.** it admits neither dispensation properly so called nor epikeia.

1. The natural law is universal, that is, it obliges all men without any exception. Therefore it also obliges infants and the insane, although they cannot transgress it formally, as was already said above.

2. The natural law is immutable, so that nothing may be subtracted from it. For the natural law is founded upon human nature itself and upon the moral order itself, from which nothing essential may be subtracted. Hence it is certain that the natural law cannot be changed from within, for example, it cannot cease, because it has not been given for a time, but in perpetuity; it cannot become unjust, since it commands nothing which is not essentially good, and prohibits nothing which is not essentially evil.

Some authors admit a certain improper change of natural right, namely, **a)** by way of addition; **b)** in the conflict of two laws. Nothing prevents certain just statutes of positive law, whether human or divine, from being added to the natural law. And thus positive laws truly are additions to the natural law, which nevertheless remains safe and sound from this.[30] But in the conflict of two laws the stronger law is to be observed. Thus, for example, one natural law dictates that a deposit is to be returned; but another natural law, and indeed a stronger one, commands that the neighbor be loved and his grave harm be forestalled. Therefore in the case in which, for example, a furious man should demand his sword deposited with me in order to kill an innocent man, I would have to observe the stronger natural law, namely, of love toward the neighbor, setting aside the lesser law concerning the returning of a deposit. Therefore I would have to retain the deposited sword until the innocent man could save himself.[31]

3. The natural law does not admit dispensation properly so called nor epikeia. Dispensation of law is some change of law from without, namely, made by competent authority; hence to ask whether the natural law is dispensable is the same as to ask whether the natural law is changeable from without. A few ancient authors, such as Occam, Gerson, Peter de Alliaco, etc.,[32] thought that God could absolutely dispense in all precepts of the law of nature, indeed abolish the whole natural law, so that even hatred of God would no longer be a sin. This opinion indeed is not only most false, but also today wholly obsolete. But Scotus[33] with many Scotists (others contradicting)[34] teaches that God can truly dispense at least in some precepts of the natural law, and notably in the precepts of the second table of the Decalogue, so that, for example, fornication would be licit if God gave a dispensation. Against all these there is established:

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[28] *S. theol.* I-II, q. 94, a. 2. Other theologians and authors have placed as the first principle of the natural law: one must live and act according to right reason; or: Love God as the end of all things, and other things on account of God. - The opinion of the Angelic Doctor is much truer, clearer, and more common.

[29] The third precept of the Decalogue pertains to the natural law insofar as it commands the external worship of God, but not as to the determination of the day.

[30] Blessed Albert the Great neatly says (4, dist. 26, a. 14 ad q. 1): "The law of nature accompanies every law, and therefore this remains in every law."

[31] *S. theol.* I-II, q. 94, a. 4-5.

[32] Cf. Billuart, *De leg.* diss. 2, a. 4.

[33] 3, dist. 37. For a refutation of Scotus see Cajetan, Comm. in *S. theol.* I-II, q. 100, a. 8; but for his defense see Caramuel, *Theol. fundam.* n. 566 sqq.

[34] Cf. Elbel, *Theol. mor.* Pars 1, Conferentia XVI, n. 444.

155. Thesis: The natural law even from without is immutable and does not admit dispensation properly so called; nevertheless it can happen that, when the matter has been changed, some obligation of the natural law ceases which otherwise would exist.

Thus teach St. Thomas and almost all modern theologians, although sometimes they differ somewhat in mode of speaking. The Angelic Doctor[35] says simply and without any limitation: "The precepts of the Decalogue are altogether indispensable." But the precepts of the Decalogue pertain to the natural law, as was said above. - But the reason why the natural law is indispensable proceeds from the fact that it is a participation of the eternal law. For the eternal law is altogether immutable and indispensable, since it is the very reason of divine wisdom. Therefore the same must be said concerning its participation, or concerning the natural law. - Next, the moral natural law is founded upon the very essential condition of human nature. Therefore, since the essential condition of human nature is immutable, the natural law also must remain immutable.

Nevertheless it can happen that, when the matter has been changed, some obligation of the natural law ceases, as is plain from these examples: The natural law prohibits the killing of the innocent, the taking away of another's thing, carnal copulation with an unmarried person, polygamy, etc. But God, who is the supreme and absolute lord of all things and persons, could command that Abraham kill his son Isaac, that the Israelites take the spoils of the Egyptians, that the prophet Hosea have intercourse with a fornicator woman, that polygamy be licit in the Old Testament. For just as God daily sends death to thousands of men, so He could, without injury to natural right, cause the death of Isaac by the aid of Abraham; *a fortiori* He could distribute the spoils of the Egyptians; likewise He could concede that that woman, until then fornicatory, could be legitimately joined with the prophet Hosea.[36] Moreover, concerning this deed of the prophet Hosea there are several other explanations.[37] God could also permit polygamy, since it is not against the primary end of marriage.

From what has been said it appears that God never properly dispensed in the natural law, but only improperly, that is, changed the matter of the act. - But if not even God Himself can properly dispense in the natural law, *a fortiori* no created authority can do this, such as the Church or a civil prince. But if the Church dispenses concerning a ratified marriage or even concerning the consummated marriage of infidels, notwithstanding the indissolubility of marriage introduced from natural right, those dispensations are not dispensations properly so called, but rather improper, and indeed in things which otherwise do not pertain to the primary principles of the natural law and which are founded upon some human fact which lies under the jurisdiction of the Church. Moreover authors, although they admit that the Supreme Pontiff truly can make concessions of this kind, nevertheless by no means agree in the mode of explanation. Some say that God and His vicar, the Supreme Pontiff, can dispense not indeed in the primary and secondary principles of natural right, but in its more remote conclusions. Others explain in this way: The indissolubility of marriage, the obligation of observing a vow made, etc., arises from the free will of the man entering upon a contract of this kind. But God, and by His delegation also the Church, can remit to man an obligation arising from a free promise, just as a master can remit to a servant a contract freely entered upon. After this remission man becomes free, so that, for example, he can enter a new marriage. But whatever may be said of these explanations, no created authority can grant dispensations properly so called in the natural law.

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[35] *S. theol.* l. c.

[36] Hos. 1:2.

[37] Cf. Billuart, *De leg.* diss. 2, a. 4; St. Bernard, *De praecepto et dispensatione* c. 3 (Migne, *Patr. lat.* 182, 864).

156. Even epikeia properly so called cannot be employed in the natural law, because epikeia is a benign interpretation of law according to the mind of the legislator, where the law fails. Therefore where there is no deficient law, there epikeia cannot have place. A created legislator cannot foresee all singular cases and all circumstances, and therefore cannot establish a law which in all occurring cases is just and useful. Therefore in a case in which the law borne by him becomes unjust or harmful, it is licit to employ epikeia, that is, according to the presumed mind of the legislator it is licit to interpret the law or even to omit it. But all these things cannot happen in the natural law, since it is never deficient, but always fitting to human nature. Besides, a case not foreseen by the divine legislator of the natural law cannot occur, since He is omniscient. Below, n. 231, a fuller discussion will return concerning epikeia.

157. 6. Cognition of the Natural Law is had very easily by all, at least as to the primary and secondary principles. Wherefore the Scholastics taught that there exists in man a habit of the first practical principles, or synderesis, by which these principles of natural right are known. But theologians dispute whether and how far invincible ignorance of the natural law is possible, for example, of the malice of pollution, fornication, an officious lie, etc.

That ignorance of some human or positive divine law is possible, all admit, and it is plain of itself. Thus, for example, the divine law itself of receiving the faith can be invincibly unknown by those to whom the faith has never been preached. In this case this negative infidelity would not be a sin, as is also plain from the condemned proposition 68 of Baius: "Purely negative infidelity in those to whom Christ has not been preached is a sin."[38] It is not so clear whether someone can invincibly be ignorant of the natural law. Among all there is indeed agreement: **a)** that the most general precepts of the law of nature cannot be unknown by adults having the use of reason.[39] Such precepts are: Good is to be done, evil is to be omitted, and also the precepts of the Decalogue as to substance; **b)** that remote conclusions deduced from the principles of the natural law can be invincibly unknown, for example, that marriage is indissoluble from natural right. But theologians dispute whether inculpable ignorance of the secondary precepts of the natural law is possible. The truer opinion, more conformable to experience and more common among theologians, is this:

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[38] Denz. n. 1068.

[39] Cf. *S. theol.* I, q. 79, a. 12, and I-II, q. 94, a. 6.

158. Thesis: The secondary precepts of the law of nature in particular circumstances can inculpably be unknown at least for a time.

This opinion is proved:

1. From St. Augustine,[40] who, after he had narrated the deed of the Antiochene woman who, with her husband consenting, indeed commanding it, had given the use of her body to another, so that from him she might receive a pound of gold by which she would liberate her husband from captivity and unjust death, does not dare to define that those spouses sinned, and permits each one to judge what he wishes, because those spouses "in no way had judged under those circumstances that that act was adultery." But if no inculpable ignorance of the natural law could be given, it is clear and certain that those spouses sinned gravely. Therefore St. Augustine judged that adultery, which most certainly is prohibited by the natural law, can in some circumstances be thought licit, and consequently that inculpable ignorance of the natural law is possible.[41]

2. From reason. Although the natural law is inscribed by the Creator in the hearts of men, nevertheless on account of the clouding of reason (arising both from original sin and not rarely from the morals of some people) it easily happens that in a particular case, especially in a conflict of two laws of natural right, it is

morally impossible to know certainly what is to be done. Thus, for example, the natural law commands that the innocent be not condemned. Likewise the natural law commands that a judge sitting in tribunal judge according to the clear and certain testimonies of witnesses. But what must the judge do if from private knowledge he knows certainly that some accused man is innocent, but from the testimonies of several witnesses it is held that the same accused man is guilty?[42] St. Thomas teaches that in this case the judge is bound to pronounce sentence according to the testimonies of the witnesses; but St. Bonaventure affirms that in this case the judge is bound to absolve the accused from fault. Therefore it is plain that even most holy and most learned men do not agree concerning some precept of the law of nature in certain circumstances. But among the unlearned there will be much easier doubt and inculpable ignorance. This is plain in diverse cases, for example, concerning the liceity of craniotomy, when otherwise the life both of the mother giving birth and of the infant to be born would be in most certain and greatest danger; concerning imperfect marital copula, etc. - From all these things it clearly appears that sometimes the natural law can inculpably be unknown.[43]

But we have said: at least for a time. For if there is question of sufficiently clear precepts of natural right, that ignorance cannot persist for long without at least some doubt arising. This doubt indeed must be solved by consulting learned men. But if such consultation is neglected, the existing ignorance will no longer be inculpable. A case of this kind can easily occur with regard to the sin of pollution or mollities, which can indeed be unknown by adolescents for a time, but not perpetually. Likewise with regard to the malice of internal acts, namely, of depraved thoughts and desires, especially inefficacious ones.

In the case in which someone from inculpable ignorance transgresses a precept of the natural law, he does not commit formal sin, as is plain from the proposition condemned by Alexander VII on September 7, 1690: "Even if invincible ignorance of natural right is given, in the state of fallen nature this does not excuse the one acting from formal sin."[44] The contrary was falsely taught by Luther, Calvin, Baius, and the Jansenists.[45] Nevertheless a transgression of this kind is material sin.

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[40] Lib. 1 *de serm. Dom. in monte* c. 16 (Migne, *Patr. lat.* 34, 1254).

[41] In Billuart, *De pecc.* diss. 5, a. 4.

[42] Cf. below II, n. 158.

[43] Cf. Bouquillon, *Theol. mor. fund.* n. 78 sq.

[44] Denz. n. 1292.

[45] Cf. Billuart, *De pecc.* diss. 5, a. 4.

Article III. On Positive Divine Law

159. Necessity. Besides the natural law, positive divine law is necessary, freely and most benignly established, and indeed on account of two reasons:

1. Because some principles of the natural law, especially secondary ones, are easily obscured by depraved passions, customs, and examples, and therefore are not observed. For the history of the pagans shows that very many things which certainly are repugnant to the natural law (as the private killing of an enemy, polygamy, etc.) were held to be licit.

2. Because the human race has been destined not only to natural happiness, but also to supernatural beatitude.[46] But it is impossible to arrive at supernatural beatitude by way of merit unless by observing supernatural norms or laws, which have been given by God. - For these reasons God, both in the Old and in

the New Testament, not only expressly inculcated the natural law, but also augmented it with new positive precepts. Thus in the Old Testament he determined the natural law in the Decalogue.[47] Moreover he laid down very many precepts concerning worship, which are called ceremonial precepts; concerning the social life of the Jews (especially concerning judgments, concerning impediments of marriages, concerning the family, etc.), which are called judicial precepts. - In the New Testament God did not write his positive laws on stone tablets, but in the hearts of the faithful;[48] wherefore it is accustomed to be called an implanted and unwritten law. For that which is foremost in the law of the New Testament, and in which its whole force consists, is the grace of the Holy Spirit, which is given through the faith of Christ. Yet the New Law has **a)** certain things as dispositive to the grace of the Holy Spirit, for example, precepts concerning faith in the humanity and divinity of Christ; **b)** certain things pertaining to the use of this grace, for example, precepts concerning virtues to be exercised. These two are, as it were, secondary in the New Law; concerning these it was fitting that the faithful be instructed both by words and by writings. Hence the New Law principally is an implanted law, secondarily a written law.[49a]

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[46] *S. theol.* I-II, q. 91, a. 4.

[47] Ex. c. 19-20.

[48] Cf. 2 Cor. 3:3.

[49a] St. Thomas, *S. theol.* I-II, q. 106, a. 1.

160. Excellence of the New Law. The New Law very greatly excels the Old Law:

a) Because it is more spiritual.

In the Old Law the sanction, that is, the coercion, was rather temporal and material. For to those who observed the Law there were promised riches, long life, numerous offspring, etc.; but those who transgressed the Law were deterred by threats of death, poverty, disgrace, etc. In the New Law, however, spiritual and eternal rewards are promised, and imminent Gehenna is announced to transgressors. "Do not fear those who kill the body, but cannot kill the soul; but rather fear him who can destroy both soul and body in Gehenna."[49] - Hence also those are proclaimed blessed who are poor in spirit, who mourn, who suffer persecution for justice.

b) Because it more greatly promotes internal worship.

"The hour is coming, and now is, when the true adorers will adore the Father in spirit and truth."[50] With external worship by no means neglected, the New Law exhorts all that they offer to God good works done for the sake of God and not for the sake of vain glory: "Take heed that you do not do your justice before men, that you may be seen by them; otherwise you shall not have a reward with your Father, who is in heaven."[51]

c) Because it is the law of charity, which is the bond of perfection.

The Old Law was, and was called, the Law of fear, restraining the hand more than the mind. God was called the God of hosts, almighty God, the Lord God, etc. But in the New Testament God is called by the sweet name of father: "For you have not received the spirit of servitude again in fear, but you have received the spirit of adoption of sons, in which we cry Abba, Father."[52] Wherefore also the whole New Law is contracted into two precepts: Love God as father and your neighbor as yourself. "You shall love the Lord your God from your whole heart, and in your whole soul, and in your whole mind. This is the greatest and first commandment. And the second is like to this: You shall love your neighbor as yourself. On these two commandments depends the whole law and the prophets."[53] Christ indeed called the commandment of fraternal charity new, saying: "A

new commandment I give to you, that you love one another, as I have loved you."[54] But as to substance this commandment was already contained in the natural law; but in the New Law it is new as to its perfect mode, which often was lacking in the Old Law.

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[49] Matt. 10:28.

[50] John 4:23.

[51] Matt. 6:1.

[52] Rom. 8:15.

[53] Matt. 22:37-40.

[54] John 13:34.

161. Precepts of the New Law. The precepts which are contained in the New Law can be reduced to three classes:

a) To the sanctification of one's own life. Wherefore we are incited to all virtues, indeed even to the perfect following of the example of Christ himself: "Christ suffered for us, leaving you an example, that you may follow his footsteps."[55] And Christ himself admonishes: "If anyone wishes to come after me, let him deny himself and take up his cross and follow me."[56] And: "Learn of me, because I am meek and humble of heart."[57]

b) To the duties of domestic and social life. Thus children are commanded to honor parents and to obey them, because they hold the place of God.[58] - Servants and domestics must show honor and obedience to masters, as to Christ;[59] - masters, however, must treat their servants as brothers in Christ.[60]

c) To worship, and especially to the sacraments and sacrifice to be carried out. To this belong, above all, those things which Christ commanded concerning the Eucharist: "Amen, Amen I say to you, unless you eat the flesh of the Son of man and drink his blood, you shall not have life in you";[61] and: "Do this in commemoration of me."[62] - As to the sacrament of baptism the Savior commanded: "Going, teach all nations, baptizing them in the name of the Father and of the Son and of the Holy Spirit."[63] "Unless one has been reborn of water and the Holy Spirit, he cannot enter into the kingdom of God."[64]

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[55] 1 Pet. 2:21.

[56] Matt. 16:24.

[57] Matt. 11:29.

[58] Eph. 6:1.

[59] Eph. 6:5-6.

[60] Eph. 6:9; Col. 4:1.

[61] John 6:54.

[62] Luke 22:19; 1 Cor. 11:24.

[63] Matt. 28:19.

[64] John 3:5.

162. Evangelical counsels. To the precepts which must be observed in order to merit eternal life, especially in the New Law,[65] there have been added certain counsels, so called evangelical counsels, concerning supererogatory works,[66] by which eternal life and Christian perfection can be obtained more expeditiously

and more perfectly. There are enumerated especially three evangelical counsels: the exercise of voluntary poverty, obedience, and perfect chastity. In diverse places Christ commends these counsels. Voluntary poverty is commended by these words: "If you wish to enter into life, keep the commandments; ... if you wish to be perfect, go, sell the things which you have and give to the poor, and you shall have treasure in heaven, and come, follow me."[67] - Chastity or perfect continence is commended by these words: "There are eunuchs who have castrated themselves for the kingdom of heaven."[68] "But concerning virgins I have no commandment of the Lord, but I give counsel."[69] - As an exhortation to perfect obedience theologians are accustomed to consider the following words of Christ: "If anyone wishes to come after me, let him deny himself and take up his cross and follow me; for he who wishes to save his soul shall lose it; but he who shall lose his soul for my sake, shall find it."[70]

Although Christian perfection does not consist in the observation of these counsels, but in perfect charity, nevertheless these counsels are the best means for obtaining Christian perfection. For they effectively remove obstacles in the way of salvation; which obstacles indeed are the threefold inordinate concupiscence, namely, of the flesh, of the eyes, and of pride.[71]

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[65] Even in the Old Law there existed certain particular counsels, for example, the offering of a peace victim (Lev. 3:1 sqq.), the vow of Nazirite (Num. 6:2 sqq.). Cf. St. Thomas, *S. theol.* I-II, q. 108, a. 4.

[66] *Werke der Übergebühr.*

[67] Matt. 19:17 and 21.

[68] Matt. 19:12.

[69] 1 Cor. 7:25.

[70] Matt. 16:24-25. Cf. *S. theol.* I-II, q. 108, a. 4 ad 3.

[71] Cf. St. Thomas, *S. theol.* II-II, q. 186, a. 7, and *Contra Gent.* l. 3, c. 130.

163. Subject of positive divine law. The ceremonial and judicial precepts of the Old Law did not oblige except the Jews and their proselytes of justice, or strangers.[72] But the moral precepts, as also pertaining to the natural law, obliged and still oblige all. - When at the death of Christ the veil of the temple was rent, the Old Law ceased as to ceremonial and judicial precepts.[73] These precepts indeed after the death of Christ are called dead; yet these same precepts did not immediately then become death-bringing, or gravely illicit. Thus, for example, St. Peter still permitted the Jewish rites,[74] and St. Paul caused Timothy to be circumcised;[75] which certainly he would not have done if he had thought circumcision to be gravely illicit. Theologians do not agree when the ceremonial and judicial precepts of the Old Law became death-bringing or gravely illicit. It is probable that this occurred when the gospel of Christ had been sufficiently promulgated among the Jewish people, that is, after the destruction of the city of Jerusalem.[76]

The divine law of the New Testament obliges, even to the end of the world,[76a] all men, whether baptized or not baptized. For Christ says: "All power has been given to me in heaven and on earth; going therefore, teach all nations, baptizing them in the name of the Father and of the Son and of the Holy Spirit, teaching them to observe all things whatsoever I have commanded you."[77] Therefore, just as Christ is the redeemer of all men, so also he is their universal legislator.[78] Wherefore the laws concerning the prohibition of polygamy, of the bill of divorce, etc., oblige all men, even pagans. - Yet pagans would sin not formally, but only materially, by transgressing the precepts of the evangelical Law before they have sufficient knowledge of them. - Just as theologians do not agree when the Old Law became dead and death-bringing, so neither do they agree when the New Law began strictly to oblige. Some think this obligation began at the death of Christ, or at least on the

day of Pentecost; but others are of the opinion that it began to oblige after its sufficient promulgation among the peoples, namely, when the apostles, dispersed into every land, were about to preach the gospel, that is, around the year 40 after Christ. Nothing certain can be said about this matter.[79]

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[72] Cf. Gen. 9:4. - Concerning the diverse obligations of proselytes, see Wetzer and Welte, *Kirchenlexikon*^2, s. v. "Proselyten."

[73] Thus teaches the common opinion with St. Thomas, *S. theol.* I-II, q. 103, a. 3 ad 2.

[74] Gal. 2:4.

[75] Acts 16:3.

[76] Cf. *S. theol.* I-II, q. 103, a. 4 ad 1.

[76a] Ibid., q. 106, a. 4.

[77] Matt. 28:18-20.

[78] "If anyone says that nothing is commanded in the Gospel besides faith, that other things are indifferent, neither prohibited, but free ... let him be anathema" (Council of Trent, sess. 6, can. 19, on justification; Denz. n. 829).

[79] Suarez discusses this matter at length and breadth, *De leg.* l. 10, c. 4.

164. Dispensation in positive divine law. Without any doubt Christ could have granted to some created authority the power of dispensing even in positive divine law. For he who has made a positive law can also dispense in this law, either by himself or through his delegate. But the question is whether Christ in fact gave this faculty of dispensing to the Supreme Pontiff. Since the infallible magisterium has been conferred upon the Supreme Pontiff, he certainly can authentically declare and interpret the divine law, just as he also interprets the articles of divine faith. But can the Supreme Pontiff also dispense in positive divine law, or relax it in a particular case?[80] Older theologians very commonly taught that the Pope cannot properly dispense in positive divine law. Thus, for example, St. Thomas[81] says: "As to those things, however, which are of divine right or of natural right, he [the Pope] cannot dispense." Yet these words must be understood with a grain of salt. For it is certain that the Pope can dispense in a ratified marriage;[82] it is equally certain that a ratified marriage of Christians, as being a true sacrament, is indissoluble by divine right. Certain authors prefer to call this dissolution of a ratified marriage a certain annulment of the act, or relaxation, or remission of a debt, or license, etc.[83] Further, there is no leisure to dispute about names.

Modern theologians commonly answer the proposed question thus: **1.** The Pope cannot dispense in absolute divine law, for example, concerning the essence of the sacraments or their number. **2.** The Pope can dispense in divine law founded upon some free human act. Thus, for example, the indissolubility of marriage arises from the human act of free consent. But now this consent is not wholly irrevocable unless marital intercourse has supervened in a Christian marriage. Therefore the Supreme Pontiff can dissolve a ratified marriage, but not a consummated marriage of Christians.[84]

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[80] Suarez treats this truly difficult question very well, l. c. c. 6.

[81] *Quodl.* 4, a. 13.

[82] Cf. above n. 155 and below III, 668.

[83] Cf. Bouquillon, *Theol. mor. fund.* n. 101; St. Thomas, *S. theol.* II-II, q. 88, a. 10 ad 2.

[84] Cf. St. Alphonsus, *Theol. mor.* VI, 1119.

Chapter III. On Human Law

The treatise on human laws pertains rather to ecclesiastical or civil law than to moral theology. Hence here we touch only the summary heads which are useful to know for a priest exercising the care of souls. But we subdivide this very long treatise into nine articles: **1.** on the author of human law; **2.** on its object; **3.** on its subject; **4.** on its promulgation and acceptance; **5.** on its obligation; **6.** on the manner of fulfilling this obligation; **7.** on its interpretation; **8.** on its cessation, where there will be discussion of dispensation, privilege, and custom; **9.** on civil law and its moral obligation.

Article I. On the Author of Human Law

165. We presuppose as certain and known from Apologetics that there belongs to the Church a true and perfect legislative power. For the Church is a perfect society, of its own right and altogether independent from any other society whatever. Wherefore Pius IX in the *Syllabus* condemned proposition 19: "The Church is not a true and perfect society, plainly free, nor does she possess her own proper and constant rights conferred upon her by her divine founder; but it belongs to the civil power to define what the rights of the Church are, and the limits within which she can exercise those same rights."[1] - With these things presupposed, it must be said which persons in the Church have legislative power. They are the following:

[1] Denz. n. 1719. Cf. also nn. 1504, 1505, 1866-1888.

166. 1. The Supreme Pontiff can exercise legislative power for the universal Church and any part of it, and indeed independently of bishops, or an ecumenical council, or any other human authority whatever.[2] For Christ conferred upon Peter and all his legitimate successors, that is, the Roman Pontiffs, the power of ruling the whole Church, by these words: "I will give to you the keys of the kingdom of heaven,"[3] and: "Feed my sheep."[4]

In our times the Supreme Pontiff is accustomed to exercise this legislative power by means of the Sacred Roman Congregations, which are eleven: **1.** the Congregation of the Holy Office; **2.** the Consistorial Congregation; **3.** the Congregation concerning the discipline of the Sacraments; **4.** the Congregation of the Council; **5.** the Congregation set over the affairs of Religious Sodalities; **6.** the Congregation of Propaganda Fide; **7.** the Congregation of Sacred Rites; **8.** the Ceremonial Congregation; **9.** the Congregation for extraordinary ecclesiastical affairs; **10.** the Congregation concerning seminaries and Universities of studies; **11.** the Congregation for the Oriental Church. - To these Congregations there are added: **1.** three tribunals, namely, the Sacred Penitentiary, the Sacred Rota, the Sacred Signatura; **2.** five offices, namely, the Apostolic Chancery, the Apostolic Datary, the Apostolic Camera, the Secretariat of State, the Secretariat of Briefs to princes and of Latin letters. A longer and deeper treatment of all these things we leave to ecclesiastical law. The things necessary to be known for the moral theologian seem to be the following:

a) According to the present discipline, none of the enumerated Congregations (Tribunals and Offices) can make universal laws unless the express approval of the Supreme Pontiff accedes.[5]

b) Particular decrees and responses have the force of a precept for those only to whom they are directed.[6] Nevertheless, even from particular decrees the mind of the legislator can be understood, and therefore such particular decrees can prudently be held as directive norms even in other regions, unless, however, this is specially forbidden.

Concerning the competence of the individual Congregations, these things are noted very briefly:

[2] *Cod. Iur. can.* c. 218.

[3] Matt. 16:19.

[4] John 21:17.

[5] "But in all and singular the above-enumerated Congregations, Tribunals, and Offices, let this above all be solemnly observed, that nothing grave and extraordinary be done unless it shall have first been signified by the moderators of the same to Us and to Our successors for the time being. Moreover, any decisions whatsoever, whether by way of grace or by way of justice, need pontifical approval, excepting those for which special faculties have been bestowed upon the moderators of the same Offices, Tribunals, and Congregations, and always excepting the sentences of the tribunal of the Sacred Rota and of the Signatura given concerning their competence" (Const. *Sapienti consilio* of June 29, 1908). The same is established by *Cod. iur. can.* c. 244, § 2.

[6] *Cod. Iur. can.* c. 17, § 3.

167. 1. Congregation of the Holy Office, which before the Constitution *Sapienti consilio* of June 29, 1908, was also called the Congregation of the Holy Inquisition, is supreme among all the Congregations, and the Supreme Pontiff himself is its president. To its competence there especially pertain: **a)** to guard the doctrine of faith and morals, and therefore to judge concerning the crime of heresy or concerning suspicion of this crime; to pass censure upon books, and to grant license to read prohibited books; **b)** to give dispensation upon the impediments of mixed religion and disparity of cult; **c)** to handle those things which are required by the so-called "Pauline privilege"; **d)** to it also has been devolved that matter concerning indulgences which regards doctrine, but what regards their use and concessions pertains to the Sacred Penitentiary; **e)** it alone is competent concerning all those things which regard the Eucharistic fast for priests celebrating Mass.[7]

[7] Ibid., c. 247.

168. 2. Consistorial Congregation, of which likewise the Supreme Pontiff himself is prefect, treats almost all things which pertain to bishops and secular prelates and to the governance of dioceses; for example, it belongs to it to found new dioceses, to divide dioceses already established, to choose or confirm new bishops, to institute the administrator of a diocese, to judge concerning the obligations of bishops, to receive the reports of bishops concerning their dioceses, etc. In places, however, which are subject to the Sacred Congregation of Propaganda Fide, all these things are reserved to this Congregation.[8]

[8] Ibid., c. 248, § 2.

169. 3. Congregation concerning the discipline of the Sacraments was newly founded by Pius X through the Constitution *Sapienti consilio* of June 29, 1908, and to it was committed the whole legislation concerning the discipline of the sacraments; for example, matrimonial dispensations (except the two enumerated above which pertain to the Holy Office), dispensations for receiving orders, provided there is question of secular clerics; for religious clerics must obtain all dispensations from the Congregation set over the affairs of Religious Sodalities. - Those things which pertain to ceremonies in administering the sacraments have been entrusted to the Congregation of Sacred Rites; but those things which pertain to the dogmatic doctrine of the sacraments, for example, whether they are valid or not, are treated by the Holy Office.

170. 4. The Congregation of the Council takes care of the whole discipline of the secular clergy and of the Christian people. Wherefore it belongs to it to take care that the precepts of the Church are observed, of which kind are fasting (except the Eucharistic fast, which pertains to the Congregation concerning the discipline of the Sacraments or to the Holy Office), abstinence, tithes, the observance of feast days, with the faculty of relaxing the faithful from these laws; to moderate those things which regard pastors and canons, likewise those things which pertain to pious sodalities, confraternities, Mass stipends, benefices, offices, ecclesiastical

goods, diocesan taxes, and other things of this kind. To the same belong all those things which refer to the celebration and recognition of provincial and plenary councils and to the meetings or conferences of bishops.

171. 5. The Congregation set over the affairs of Religious Sodalities is called "most occupied," because to it pertain the affairs of the whole religious state of both sexes with vows, whether solemn or simple; likewise the affairs of Third Orders, and of those assemblies which, without vows, lead a religious life in common. Wherefore to this Congregation is reserved the granting of all[9] dispensations and faculties which Religious Sodalities seek for themselves, for example, from interstices, from vows emitted, of secularization, of appeal against the commands of superiors, etc. But it is plain that a religious confessor who, for example, seeks the faculty of absolving his penitent from some reserved case, must approach the Sacred Penitentiary and not this Congregation. - Likewise this Congregation settles controversies both between bishops and religious, and between religious themselves, and between religious families. But if affairs of this kind are to be treated in the contentious forum, then they pertain to the Sacred Rota.

[9] Cf. Decree of March 24, 1919 (*Act. Ap. Sed.* XI, 251). The only thing excepted seems to be dispensation concerning the Eucharistic fast for priests celebrating Mass. For this dispensation is not granted except by the Holy Office (*Cod. iur. can.* c. 251, § 3).

172. 6. The Congregation of Propaganda Fide has very great powers, but only in mission lands. All ecclesiastical affairs of those lands are subject to its jurisdiction; nevertheless, to other special Congregations it must refer **a)** those things which pertain to faith; **b)** to matrimonial causes; **c)** to general norms concerning the discipline of sacred rites;[9a] **d)** those things which pertain to religious missionaries, insofar as they are Religious (but not insofar as they are missionaries).[10] To the same Congregation likewise are subject societies of ecclesiastics and seminaries which have been founded exclusively for this end, that in them missionaries for foreign missions may be trained.

[9a] *Cod. iur. can.* c. 252, § 4. Notwithstanding this statute, the Sacred Congregation of Propaganda Fide seems again to have obtained broader faculties.

[10] But some religious institutes of missionaries, for example, the Congregation of the Immaculate Heart of the Blessed Virgin Mary, have obtained the privilege that even as religious institutes they should be subject to the Congregation of Propaganda Fide.

173. 7. The Congregation of Sacred Rites treats all things pertaining to the liturgy; it bestows insignia and honorific privileges pertaining to the sacred rites or ceremonies; it conducts processes of beatification and canonization. Concerning the historical section for ancient causes cf. *Act. Ap. Sed.* XXII, 67. In the year 1903, on September 7, a new catalogue was issued containing the faculties granted to this Congregation.[11]

[11] Cf. *Acta Pont.* I, 391 sqq.

174. 8. The Ceremonial Congregation provides concerning ceremonies to be carried out in the Pontifical Chapel and Hall, and also concerning the sacred functions which Cardinals perform outside the Pontifical Chapel; likewise it takes cognizance concerning the precedence of Cardinals and Legates whom various nations send to the Holy See.[12]

[12] *Cod. iur. can.* c. 254.

175. 9. The Congregation for extraordinary ecclesiastical affairs is chiefly occupied with affairs which concern the Church and diverse civil governments, for example, in making or changing Concordats, and sometimes also in establishing or dividing dioceses and in naming bishops.[13]

[13] Ibid., c. 255 and Letter of Pius XI of July 5, 1925 (*Act. Ap. Sed.* XVIII, 89).

176. 10. The Congregation concerning Seminaries and Universities of studies governs all those things which pertain to the discipline, temporal administration, and studies of seminaries;[14] likewise it moderates studies in Catholic universities, even those which are administered by Religious; it gives the faculty of conferring academic degrees; it can also itself give to some learned man the title "doctor honoris causa."

[14] From the *Motu proprio* of Benedict XV of November 4, 1915 (*Act. Ap. Sed.* VII, 493 sqq.) and from *Cod. iur. can.* c. 256. Cf. *Act. Ap. Sed.* XIX, 329 and 393, and XXII, 93 sqq.

177. 11. The Congregation for the Oriental Church treats all affairs which refer either to persons, or to discipline, or to the rites of the Oriental Churches; wherefore this Congregation, for Churches of the Oriental rite, possesses all the faculties which the above-mentioned Congregations obtain for Churches of the Latin rite, the competence of the Holy Office nevertheless remaining intact.[15]

These are the eleven Congregations now existing in the Roman Curia. Concerning the Tribunals and Offices of the Roman Curia there is no leisure here to act. Cf. our *Manual of Canon Law*, q. 104 sq. Concerning only the Tribunal of the Sacred Penitentiary, which sometimes the confessor must approach, let a few things be noted. According to the current discipline, the Sacred Penitentiary (ordinarily) now grants no dispensations for the external forum, as formerly used to happen. But for the internal forum it has ample powers even for Orientals (*Act. Ap. Sed.* XXII, 394): it grants absolutions from censures and reserved sins, gives condonations of ecclesiastical goods, sanations, matrimonial dispensations, etc.; moreover, it judges concerning all things which regard the use and concessions of indulgences.[16]

[15] *Cod. iur. can.* c. 257 and *Act. Ap. Sed.* IX (1917), 529 sqq.

[16] Benedict XV, *Motu proprio* of March 25, 1917 (*Act. Ap. Sed.* IX, 167). Cf. *Act. Ap. Sed.* XXVII, 97.

178. 2. Ecumenical councils, which are assemblies of bishops convoked from the whole world for judging and establishing concerning ecclesiastical matters under the authority of the Roman Pontiff, have the most ample faculty of making laws. Bishops gathered in an ecumenical council are not mere counselors of the Pope, but true legislators; whence also each one is accustomed to subscribe to the Acts of the council: "I, defining, have subscribed." But in order that an ecumenical Council truly have law-making power, it is required that it be rightly convoked, rightly celebrated, and rightly confirmed. Especially the last is required, namely, true confirmation by the Supreme Pontiff; if this is lacking, the decrees of the council are not true laws.[17] More broadly concerning all these things is treated in ecclesiastical law.[18] Since the Pope, as supreme ecclesiastical legislator, is above every council, he can also change all laws of ecclesiastical right made by some ecumenical council. Thus, for example, Pius X changed the law of clandestinity made by the Council of Trent.

[17] *Cod. iur. can.* c. 227.

[18] Cf. our *Manuale iur. can.* q. 21.

179. 3. Bishops can make laws for their own diocese, and indeed either immediately by themselves, or by means of plenary or provincial councils,[19] or diocesan synods. The reason for this law-making power is that bishops have been placed by the Holy Spirit "to rule the Church of God."[20] Concerning this law-making power it must be noted: **a)** in diocesan synods legislative power belongs to the bishop alone, but not to pastors and others convoked to them;[21] **b)** decrees of a plenary or provincial council oblige in the individual dioceses of that kingdom or province; **c)** bishops can indeed by their own authority dispense in laws which have been

made in a diocesan synod, but not in laws of provincial and plenary councils, except in particular cases and for a just cause.[22]

The reason is that bishops are above a diocesan synod, but are subject to a provincial as well as a plenary council rightly approved or reviewed; but in a particular case they can dispense in the statutes of such councils.[23]

Concerning Other Ecclesiastical Legislators. Besides the legislators enumerated, there still exist several others in the Church, for example, legates *a latere*, apostolic nuncios, capitular vicars, regular superiors, general chapters, or congregations in religious institutes, etc. Concerning all these we cannot treat here in Moral Theology, since this matter pertains to ecclesiastical law, and their legislative power often depends upon an altogether special delegation.

Abbesses and other religious superioresses can indeed make precepts and statutes (obliging even in conscience), but not laws properly so called; for they lack true and perfect ecclesiastical jurisdiction.

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[19] Cf. Holy Office, September 10 (30), 1896, in *Collect. de Prop. Fide* n. 1952; cf. also ibid. n. 2013.

[20] Acts 20:28. That this text is to be understood of bishops is clear from the Council of Trent, sess. 6, c. 4, on orders.

[21] Benedict XIV, *De syn. dioec.* l. 2, c. 5, n. 6-8; *Cod. iur. can.* c. 362.

[22] *Cod. iur. can.* c. 291.

[23] Cf. Bonacina, *De leg.* disp. 1, q. 2, punct. 1, n. 14, and *Act. Conc. plen. Americae latin.* (a. 1899), n. 995.

180. On civil law-making power. That there exists in civil society a true law-making power, and that it is independent in its own order, there is no reason for us to prove.[24] For civil society is also a perfect society and consequently has true legislative, judicial, and coercive power. But who in diverse kingdoms is able to make laws depends upon the form of government, or of the so-called "Constitution." In a few kingdoms of today the supreme prince alone (whether male or female) can make laws; but in several other kingdoms the supreme prince ratifies laws made by the legislative body, for example, by Parliament. Even a queen, if she is truly the prince, can make laws, for a woman is capable of civil jurisdiction.

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[24] Cf. Leo XIII, encyclical *Diuturnum* of June 20, 1881, on civil principality, and encyclical *Immortale Dei* of November 1, 1885.

Article II. On the Object of Human Law

181. Extension. The object of law is everything which the legislator is able to establish for the good of the community whose care he has. Therefore the object of law extends as far as that which is necessary for the good of the community. "Whatever, therefore, in human affairs is in any way sacred, whatever pertains to the salvation of souls or to the worship of God, whether it is such by its own nature, or again is understood to be such on account of the cause to which it is referred, all that is in the power and judgment of the Church." Thus Leo XIII.[25] By these wise words the matter or object of ecclesiastical law is circumscribed, which accordingly extends to all those things which touch the Christian religion and the salvation of souls either directly or indirectly. For this reason the Church can make laws, for example, concerning the administration and reception of the sacraments, concerning churches, oratories, ceremonies, benefices, concerning the whole religious and moral life of Christians, etc. But it is plain of itself that neither the Church nor any created power can command anything which is against the divine or natural law, because an inferior legislator cannot command anything which is against a higher law.

According to St. Thomas,[26] the object of human law must have three conditions, namely:

1) That it be congruent with religion, insofar, namely, as it is proportioned to positive divine law.

2) That it accord with discipline, insofar as it is proportioned to the law of nature.

Human laws which are opposed to the divine or natural law cannot licitly be observed. Hence, for example, against unjust laws made against religion or favoring dueling, the so-called passive resistance must be opposed; for it is necessary to obey God rather than men.

3) That it profit salvation, insofar as it is proportioned to human utility. To these three conditions all the others are reduced which, after Isidore of Seville, are accustomed by authors to be required for the object of human law, for example, that it be honorable, just, possible, useful to the community, fitting to place and time, etc.

Especially authors are accustomed here to ask whether human law can command **a)** internal acts; **b)** heroic acts.

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[25] Const. *Immortale Dei* of November 1, 1885.

[26] *S. theol.* I-II, q. 95, a. 3. The Angelic Doctor in this place beautifully explains all the conditions of human law.

182. Internal acts are called those which are produced by the intellect and will; they are called merely internal if they remain in the intellect and will, so that either in no way, or only accidentally, they are joined with an external act; but they are called mixed internal, if indeed they are produced by the intellect and will, but are joined with an external act and are referred to it either from their own nature or from a certain moral law. Merely internal acts are, for example, meditation, a special intention, the application of a Mass; mixed internal acts are, for example, attention in vocal prayer, because attention is required from the very nature of prayer, since it is the elevation of the mind to God; contrition in confession, because from the moral law confession cannot truly exist without internal contrition.

1. It is established among all that human law (whether ecclesiastical or civil) can prescribe mixed internal acts. The reason is that human law can command truly human acts, and therefore all those things which are required for a truly human act, namely, knowledge and intention. For an external act which would be done without internal knowledge and intention would be called mechanical rather than human. Thus, for example, the Church commands worthy paschal communion, the fruitful reception of the sacrament of penance. Civil power, legitimately requiring an oath, can command the internal intention of truly swearing when externally the words of the oath are uttered.

2. It is likewise established among all that civil power cannot command merely internal acts, since these directly contribute little to the end of civil society, namely, to earthly welfare. Hence also civil power in fact is never accustomed to command merely internal acts, but only the external observance of laws.

183. 3. Theologians dispute very sharply whether the Church can command merely internal acts. St. Thomas[27] and the Roman Catechism[28] seem to deny it; Cajetan,[29] Suarez,[30] Schmalzgrueber,[31] Billuart,[32] Benedict XIV,[33] Tanquerey,[34] Aertnys-Damen,[35] Vermeersch[36a] expressly deny it; St. Alphonsus[36] calls the denying opinion more probable. Sylvius,[37] Elbel,[38] Concina,[39] Holzmann,[40] Ballerini-Palmieri,[41] Noldin,[42] and especially Bouquillon[43] affirm it. - All the arguments of the denying opinion are reduced to the following words of St. Thomas:[44] "Man can make law concerning those things concerning which he can judge; but the judgment of man cannot be concerning interior motions, which are hidden, but only concerning exterior acts, which appear. And yet for the perfection of virtue it is required that man exist rightly in both acts; and therefore

human law could not sufficiently restrain and order interior acts, but it was necessary that divine law supervene for this." - But the affirming opinion is supported chiefly by these arguments: **a)** The Church can command all those things which are necessary for obtaining her proper end. But now the end of the Church (namely, the salvation of souls) is in itself spiritual and internal. Therefore the Church can command even merely spiritual and internal acts. **b)** The Church in fact commands some merely internal acts, for example, mental prayer for clerics, examination of conscience, spiritual exercises,[45] the application of Mass by pastors on certain days; a confessor can in the sacramental forum impose pious meditation as a salutary penance; the Church commands an act of contrition for gaining a plenary indulgence. But it is wicked to say that the Church commands something which exceeds her competence.

For practice this controversy is not of so great utility. For when the Church requires an internal act for some work, as happens in gaining indulgences or in the parochial office, then certainly that internal act must be placed; whence without doubt a pastor would sin mortally if he did not apply Mass for the people on the prescribed days. But whether this grave obligation arises by force of ecclesiastical law (as the patrons of the affirming opinion will) or by force of contract (which the defenders of the denying opinion prefer), namely, of the parochial office freely accepted, matters little. Indeed the obligation incumbent upon pastors of sometimes applying Mass for the people committed to them arises from divine right itself,[46] but that this application must be made on all Sundays and feast days is determined by ecclesiastical right.

Authors today rather commonly concede that merely internal acts can be commanded in the following cases:

a) In the internal forum by a confessor. Hence a confessor can impose meditation to be made, as has already been said above.

b) When the Church determines or explains divine right. Such determinations or explanations of divine right are: the application of Mass imposed on certain days; the worthy reception of annual confession and paschal communion. Wherefore thesis 14 of the Jansenist errors was proscribed by Alexander VII: "He who makes a voluntarily null confession satisfies the precept of the Church."[47] And thesis 55 was condemned by Innocent XI: "The precept of annual communion is satisfied by a sacrilegious eating of the Lord."[48]

c) When religious superiors give legitimate precepts to subjects bound by force of the vow of obedience. Therefore a religious superior can command a professed subject, for example, to make meditation, to perform spiritual exercises,[49] etc., unless, however, obedience from the constitutions of some order does not seem to extend so far.

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[27] *S. theol.* I-II, q. 91, a. 4; q. 100, a. 9; II-II, q. 104, a. 5. In this last place the Angelic Doctor says simply: "In those things which pertain to the interior motion of the will, man is not bound to obey man, but God alone."

[28] The words of the Roman Catechism somewhat favor the denying opinion (*De nono et decimo praec.* q. 4): "And in this divine and human laws differ, that the latter are content only with external things, but the former, since God looks upon the soul, require the pure and sincere chastity and integrity of the soul itself."

[29] Commentary on II-II, q. 11, a. 3.

[30] *De leg.* l. 4, c. 12. Suarez teaches that Christ indeed could have given to the Church the power of making laws concerning internal acts, but in fact did not give such power.

[31] Commentary on the Decretals, *de const.*, n. 21.

[32] *De leg.* diss. 4, a. 1.

[33] *De syn. dioec.* l. 9, c. 4, n. 4.

[34] *Synopsis Theol. mor., De leg.* n. 288.

[35] *Theol. mor.* l. 1, n. 142.

[36a] *Theol. mor.* I, 254.

[36] *Theol. mor.* l. 1, n. 100.

[37] Commentary on *S. theol.* I-II, q. 94, a. 4.

[38] *Theol. mor., de leg.* n. 332.

[39] *De leg. hum.* c. 2, n. 14.

[40] *Theol. mor., de leg.* n. 314.

[41] *Opus theol.* I, *de leg.* n. 308.

[42] *De principiis* n. 138.

[43] *Theol. mor. fund.* n. 114.

[44] *S. theol.* I-II, q. 91, a. 4.

[45] *Cod. iur. can.* cc. 125, 126, 1001.

[46] Council of Trent, sess. 23, c. 1, on reform.

[47] Denz. n. 1114.

[48] Ibid., n. 1205.

[49] *Cod. iur. can.* c. 595. Cf. our *Man. iur. can.* q. 231 (2).

184. Heroic acts ordinarily cannot be commanded by human law, because they are too difficult, indeed impossible for the greater part of the people. But a law commanding things ordinarily too difficult or even impossible is not a good and useful law, and therefore ceases. Nevertheless heroic acts can be commanded in two cases, namely: **1.** if the common good strictly requires it; **2.** if someone has freely obliged himself even to heroic acts. Thus a leader in war makes a law that soldiers must perform guard duty even with certain danger of life. Thus the Church commands that a pastor, even with grave danger of infection, administer the necessary sacraments to a dying leper. - If someone has freely obliged himself to heroic acts, it is plain of itself that a superior can impose them upon him. Thus, for example, sisters who have freely made profession in some religious congregation instituted for serving the sick can be compelled to serve the infirm, even though from this they fall into certain danger of life.

Article III. On the Subject of Human Law

185. Preliminary Note. The subject of law is called those persons for whom the legislator has made the law. But St. Alphonsus wisely observes[50] that it is one thing not to be held to a law, and another to be excused from a law. He who is not held to a law, or, what is the same thing, he who is not subject to a law, can act freely and absolutely, without in any way caring about the law. On the contrary, he who is only excused from a law ordinarily must observe the law, but on account of extraordinary circumstances here and now does not sin by acting against the precepts of the law. For example, a man lacking the actual use of reason is excused from the precept of any law, so that he cannot sin formally by transgressing it; but by no means does he cease to be the subject of natural, divine, or human law. Hence also it is licit to induce someone not subject to a law to an act prohibited by the law; for example, it is licit to give meat to be eaten on Friday to a child not yet seven years old. On the contrary, it is not licit to induce the same child to do something obscene, because, although he

does not sin formally on account of the defect of the use of reason, nevertheless he sins materially by transgressing the natural law, to which he is subject.

It was said above, nn. 153 and 163, that the subject of the natural law and of the positive-divine law of the New Testament is absolutely every man. Concerning the subject of human civil law there is no reason for us to inquire specially. For to such law are subject all those who are legitimately designated by their legislator. Therefore there remains only the question: what is the subject of ecclesiastical law?

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[50] *Theol. mor.* l. 1, n. 153.

186. Principle. To merely ecclesiastical laws are subject all and only baptized men habitually enjoying the use of reason, and this after the seventh year of age.[51]

It is explained. It is said, **1.** All baptized men are subject to ecclesiastical laws. For the Council of Trent[52] defined: "If anyone says that the baptized are free from all the precepts of holy Church, whether written or handed down, so that they are not bound to observe them unless they have wished of their own accord to submit themselves to them, let him be anathema." But the reason is that man, through baptism validly received, becomes a member of the Church, and therefore is bound to obey her laws. - Since these things are so, even all heretics and schismatics validly baptized are subject to the laws of the Catholic Church (at least speaking in itself). Therefore in the Decretals[53] there are several laws concerning heretics, schismatics, and apostates; therefore also it has been declared several times[54] that heretics are bound by matrimonial impediments of ecclesiastical right (except now the impediment of disparity of cult). But I said: speaking in itself, heretics are bound by ecclesiastical laws; for accidentally they are sometimes not subject, namely, when the Catholic Church explicitly or implicitly does not will to oblige them. Thus, for example, the Code of Canon Law, c. 1099, § 2, expressly exempts heretics from the obligation of contracting marriage before the pastor as to the validity of the sacrament. There are not lacking grave authors[55] who judge that in all matters which chiefly regard individual sanctification, for example, in fasting, abstinence, assistance at Mass, etc., the Church does not will to oblige heretics, at least those who were born and educated in a non-Catholic sect. Nevertheless it is not licit directly to induce heretics to the transgression of such ecclesiastical commands, for example, to eating meat on prohibited days; but from just causes it is licit materially to cooperate in a transgression of this kind of an ecclesiastical precept. Therefore, for example, it is licit on a forbidden day to place meat on the table, which it is foreseen a heretic will eat, provided that at the same table there are also other sufficient foods, so that the heretic who is going to eat is not compelled, but takes the meat of his own accord. But if the heretic from the beginning explicitly or implicitly demands meat to be eaten, it is no longer necessary to place fasting foods on the table.

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[51] Some, namely the Antinomians and Quietists, falsely understanding certain texts of Sacred Scripture, for example, that those who are led by the spirit are not under law (Gal. 5:18), that the law is not set down for the just man (1 Tim. 1:8), taught that perfect and spiritual men are not subject to ecclesiastical laws, indeed even to moral laws. Their opinions were condemned several times by the Church, for example, by Clement V, who condemned the propositions: "That a man ought not to fast, nor to pray, after he has attained the degree of perfection ..., that those who are in the aforesaid state of perfection and spirit of liberty are not subject to human obedience, nor are they obliged to any precepts of the Church; because, as they assert, where the spirit is, there is liberty" (c. 3, l. 5, tit. 3 in Clement.). Innocent XI condemned the Quietism of Michael de Molinos (Const. *Coelestis Pastor*; Denz., *Enchir.* n. 1221 sqq.). Cf. Wetzer and Welte, *Kirchenlexikon*, s. v. "Antinomismus" and "Quietismus."

[52] Sess. 7, can. 8, on baptism (Denz. n. 864).

[53] Cf. tit. 7 and tit. 21, l. 5, of the Decretals of Gregory IX.

[54] Cf. Benedict XIV, const. *Singulari nobis*, § 14, February 9, 1749; Holy Office, March 30, 1860.

[55] Cf. Bouquillon, *Theol. mor. fund.* n. 154, n. 4; Marc-Raus, *Inst. mor.* n. 198; Pruner, *Moraltheol.* n. 105; Noldin, *De principiis* n. 144; Lehmkuhl, *Theol. mor.* I, 228; Génicot, *Casus conscientiae* I, 22.

187. It is said, 2. Only baptized men are subject to ecclesiastical laws. For this reason the Council of Trent[56] teaches that the Church exercises judgment over no one who has not first entered into her through the gate. Indeed the Pontiffs expressly acknowledge[57] that those who have not received baptism are not held to merely ecclesiastical laws. But the reason is that the end of ecclesiastical laws is to lead the faithful to eternal salvation. But now no one can arrive at eternal salvation unless he first has been regenerated in Christ through baptism (of water, desire, or blood). Therefore the Church does not make laws for men not yet regenerated, or not yet baptized; and therefore unbelievers, Jews, Mohammedans, and others not baptized are by no means held to ecclesiastical laws (at least in itself). Therefore all these can, for example, licitly eat meat on Friday and throughout Lent; they can validly contract marriage, even if those about to marry are blood relatives or relatives by affinity in the third or even in the second degree; they can do servile works on Sundays and feast days (provided that on another day they worship God and do not publicly disturb the festive rest). - Accidentally, however, even unbelievers are sometimes held to ecclesiastical laws; namely, whenever they enter into a relation with some baptized person. Thus, for example, a pagan contracting marriage with a Catholic woman is held to observe the ecclesiastical law concerning the diriment impediment of disparity of cult; and therefore such a marriage is invalid unless a dispensation upon this impediment has first been obtained.[58]

It is said, 3. Habitually enjoying the use of reason. For if someone lacks the habitual use of reason, as the perpetually insane and infants do, he can elicit no truly human act. Moreover ecclesiastical law commands only truly human and deliberate acts. On the contrary, he who habitually is possessed of reason, although here and now he lacks the use of reason, as one drunk or sleeping, is subject to ecclesiastical law. Cf., however, what was said above in n. 185.

The doctrine set forth is confirmed from the Code of Canon Law, c. 12: "To merely ecclesiastical laws are not held those who have not received baptism, nor baptized persons who do not enjoy sufficient use of reason, nor those who, although they have attained the use of reason, have not yet completed the seventh year of age, unless something else is expressly provided by law."

On account of special doubts arising, it must also be answered specially to the questions: How are subject to human law **1.** infants and impuberes; **2.** the legislator himself; **3.** peregrini and vagi?

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[56] Sess. 14, c. 2.

[57] Cf. c. 8, X, 4, 19; *Cod. iur. can.* c. 12.

[58] Cf. below in the treatise on marriage III, 835.

§ 1. On Infants and Impuberes as Subjects of Law

188. Notions. Before the first seven-year period has been completed, a man is called an infant, or child, or little one; from the seventh year until legal puberty has been attained (that is, until the fourteenth year of age has been completed, if he is male, and until the twelfth year of age has been completed, if she is female), a man is called impubes;[59] then until majority (which is usually granted when the twenty-first year of age has been completed) he is called minor or underage;[60] afterward, however, major or of age. An infant and an impubes are also called by the common name pupils. To a pupil a tutor is given; but to a minor a curator is given.

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[59] With regard to delicts, several writers perceive no serious reason why puberty in girls should be placed earlier than in boys; and therefore they demand the age of 14 years both for boys and for girls. Thus also Vermeersch, *Theol. mor.* I, n. 283.

[60] *Cod. iur. can.* c. 88.

189. Principle 1. Infants are not held (unless something else is expressly provided by law) to human laws, even if they have in fact already attained the use of reason.

Thus the opinion today is certain.[61] The reason is that infants before the first seven-year period has been completed are judged not yet habitually to enjoy the use of reason, and therefore are not subject to human laws, as was said. But if in an exceptional case infants have already obtained sufficient use of reason before the first seven-year period has been completed, certainly it is best that they be induced to the observance of ecclesiastical law proportioned to their own state, for example, of assisting at Mass, of abstaining from meats; yet no strict obligation of observing these laws exists. Wherefore the Angelic Doctor teaches:[62] "The legislator attends to that which is held commonly and occurs in the greater number." There is also the common adage: "Those things which happen rarely legislators disregard."

Note. The precepts of confessing mortal sin and of receiving holy communion are not merely ecclesiastical precepts, but also divine. For this reason an infant who is certainly conscious of a mortal sin committed is held to confess; likewise an infant who has sufficient discretion must receive the Eucharist; nevertheless, in the rigor of law he is not held to observe the precept of the Eucharistic fast, since it is merely ecclesiastical.

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[61] Ibid., c. 12. Very rarely does the law expressly oblige infants; for example, it forbids their entrance into cloister, cc. 598 and 600.

[62] *S. theol.* II-II, q. 147, a. 4.

190. Principle 2. Impuberes are held to human laws, and especially ecclesiastical laws, fitting to their state, provided, however, that they have in fact attained the use of reason and no special exemption has been granted to them from written or customary law.

The reason is that impuberes are judged to have sufficient habitual use of reason. If, however, in an exceptional case a man after the first seven-year period does not have the ready use of reason, he is not obliged by human laws.

There are some laws, both ecclesiastical and civil, to which impuberes are not subject, for example, the law of ecclesiastical fasting, several penal laws. Wherefore impuberes are excused from penalties *latae sententiae*, and should rather be corrected by educative punishments than by censures or other graver vindictive penalties.[63] But from incurring episcopal reserved cases, impuberes are not exempt by common law; not rarely, however, they are exempt by the particular law of some dioceses.

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[63] *Cod. iur. can.* c. 2230.

§ 2. On the Legislator Himself as Subject to His Own Laws

A twofold distinction must be premised: **1.** The force of law is one thing as preceptive, another as coercive. The preceptive force of law causes the observance of the law; but the coercive force punishes the transgressor of the law with established penalties. **2.** The legislator is either an individual person, as the Pope, a bishop, etc., or some legislative college, for example, a provincial council, the general chapter of some religious order, a parliament, etc.

191. Principle 1. The individual members of some legislative college are held to the laws made by this college, just as the other subjects are.

Thus all teach, and it is plain of itself. Thus, for example, a religious prelate is held to the laws made in the chapter of which he himself was a member; members of parliament are held to laws made by parliament; bishops are held to laws made by a provincial council, etc. But how bishops and religious prelates are able to dispense in laws of this kind is determined in ecclesiastical law.[64]

[64] Cf. our *Man. iur. can.* 29. Since the Pope is above an ecumenical council and not only a member of it, he is not subject to laws made by an ecumenical council.

192. Principle 2. A legislator who has made laws as an individual person is held to his laws only as to their directive force, and that in an indirect way; but not as to their coercive force.

Thus St. Thomas,[65] St. Alphonsus,[66] and other theologians commonly. The Angelic Doctor says: "The prince is said to be released from the law as to the coercive force of the law; for no one is properly coerced by himself; but law does not have coercive force except from the power of the prince ... but as to the directive force of the law, the prince is subject to the law by his own will. ... Whence as to the judgment of God (that is, in the forum of conscience), the prince is not released from the law as to its directive force; but he must fulfill the law voluntarily, not coerced."[67] And truly it would be unbecoming if the legislator himself did not observe the laws which he has made, and by his transgressions stirred up subjects to despise the law that had been made. - But is the legislator held to the observance of his law under grave obligation or under light obligation? St. Alphonsus answers:[68] "It is probable, scandal being excluded, that he is held only under light obligation; because he is obligated to the law only from fittingness." But scandals and other inconveniences easily arise if the legislator without sufficient reason transgresses his own law. For thus the nerve of discipline is gradually broken in the subjects.

A legislator who is an individual person is not held to his laws as to coercive force, since no one is coerced by himself. Hence, for example, if a bishop (whether within or outside a diocesan synod) has imposed suspension upon clerics visiting the theater, he himself committing such a delict does not incur this censure.

It is plain of itself that the legislator can for a reasonable cause dispense with himself in the observance of the law, just as with his subjects.

[65] *S. theol.* I-II, q. 96, a. 5 ad 3.

[66] *Theol. mor.* l. 1, n. 154.

[67] Cf. Cajetan on this article, who rightly thinks this obligation arises from eternal and natural law, from which every human law must be derived.

[68] *Theol. mor.* l. 1, n. 154.

§ 3. On Peregrini and Vagi, Insofar as They Are Subject to Local Laws

193. Notions. As to residence, according to the Code of Canon Law c. 91, four kinds of persons are distinguished: **1.** peregrini; **2.** vagi; **3.** inhabitants; **4.** newcomers.

1. A peregrinus is called one who indeed has a domicile or at least a quasi-domicile in some place, but now is staying outside this place, for example, for the sake of a journey, yet with the intention of returning after a short time to the place of domicile or quasi-domicile.

2. A vagus or vagabond (*Wohnsitzloser*) is properly called one who has a domicile or quasi-domicile nowhere, either because, having left his proper domicile or quasi-domicile, he has not yet acquired a new one, or because he has never had a true domicile or quasi-domicile. Thus, for example, as vagi are held those craftsmen or beggars who run about through diverse places, choosing a fixed habitation nowhere. The state of a vagus is judged in canon law to be something extraordinary and odious, and therefore is not to be presumed, but strictly proved.[69]

3. An inhabitant is called one who stays in the place of his domicile. Domicile in some place is acquired by residence which is either **a)** joined with the intention of remaining there perpetually (or at least for an indefinite time), or **b)** prolonged to a completed ten-year period.[70] The mind or intention of remaining perpetually must be proved in the external forum, which indeed can be done in diverse ways, for example, by oath, by transferring a great part of one's goods, by prolonged habitation, etc. But when this intention is present, domicile is acquired as soon as habitation begins.[71] Whence, for example, some schoolmaster who for an indefinite time has accepted his office in some place acquires domicile in this place from the first day of habitation. - Domicile is lost with more difficulty than it is acquired, both because in doubt concerning a domicile left behind its preservation must be presumed, and because domicile is judged for the faithful to be something favorable and its loss something odious. Wherefore a domicile once possessed is not lost except by renunciation or by the acquisition of another true domicile.

4. A newcomer is called one who resides in the place of his quasi-domicile. But someone acquires quasi-domicile in a place when he dwells in it for the greater part of a year, or at least with the intention of remaining there for the greater part of a year. The greater part of a year is certainly judged to be a time exceeding six months; wherefore a residence prolonged for 181 days in some place always suffices for acquiring quasi-domicile, without inquiry needing to be made concerning the intention of remaining there for the greater part of a year.[72] Nor is it necessary that this residence be uninterrupted; for a small interruption does not destroy the intention of residing in that place. Quasi-domicile is usually had, for example, by students staying in academies outside their homeland, soldiers in camps (commonly, garrison), servants in the domicile of the master, etc.

Divisions of Domicile. 1. Domicile or quasi-domicile is distinguished as parochial or diocesan, according as it is obtained either in some parish or quasi-parish, or only in a diocese, apostolic vicariate, apostolic prefecture.[73] Therefore someone can have a diocesan domicile (quasi-domicile) without a parochial domicile; but everyone who has a parochial domicile (quasi-domicile) thereby also has a diocesan domicile.

2. Domicile is distinguished as voluntary, which is acquired by one's own choice according to the two modes indicated above; and necessary or legal, which is acquired by another's choice from the disposition of law. Thus a wife (not legitimately separated from her husband) has the domicile of her husband; an insane person the domicile of his curator; an underage son the domicile of the one to whose power he is subject (c. 93).

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[69] Cf. Sacred Rota, March 4, 1916 (*Act. Ap. Sed.* VIII, 373).

[70] *Cod. iur. can.* c. 92.

[71] Cf. St. Alphonsus, *Theol. mor.* l. 6, n. 778.

[72] *Cod. iur. can.* c. 92, § 2.

[73] Ibid., § 3.

194. Principle 1. A peregrinus is not held to the strictly territorial particular laws of his domicile or quasi-domicile, unless, however, their transgression in his own territory would do harm.[74]

The reason is obvious. For such laws are territorial and oblige only those who in fact are staying in such territory. Hence, for example, an inhabitant of Spain who on July 25 is living outside Spain is not held to hear Mass, to which he would be obliged if existing in Spain on account of the feast of the Apostle James. - Indeed authors commonly teach that some inhabitant can leave the place of domicile or quasi-domicile precisely for this cause, that he may be exempt from the particular law of his own place.[75] For example, if there is a fast in some parish because the parish church is to be consecrated on the next day, a parishioner could leave the limits of the parish for the purpose of not being obliged to the fast. For no strictly territorial law prohibits departure from the territory itself, since everyone remains free to dwell in his own territory or not.[76] - But I said that a peregrinus is not held to strictly territorial particular laws. For if some law of a place is not strictly territorial, but rather personal, then it obliges subjects everywhere on earth and follows them everywhere as a shadow follows the body. Thus, for example, laws concerning military service to be undertaken oblige subjects even living in another land, unless, however, they have obtained legitimate expatriation. Not rarely it is rather difficult to discern whether some particular law is strictly territorial or personal. Thus laws and penalties made by some bishops for their clerics about not approaching taverns and spectacles, about not playing cards, etc., are not clearly known as territorial or as personal; and therefore then it is not clearly established whether a cleric transgressing laws of this kind outside his own diocese contracts the special penalties determined by the bishop. If solid doubt remains concerning the mind of the legislator, the penalty made is not incurred, since it is of strict interpretation.[77] Indeed it is generally established in law: "A law is not presumed personal, but territorial, unless something else is established."[78]

A peregrinus is held to observe the particular laws of his domicile or quasi-domicile if their transgression in his own territory would do harm; for example, if a diocesan law rightly forbids all inhabitants to furnish aid to some harmful institute existing in the diocese, then an inhabitant, even while journeying outside the diocese, cannot licitly furnish such aid.

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[74] Ibid., c. 14, § 1.

[75] The contrary is asserted, but not sufficiently proved, by Concina (*De iur. nat. et gent.* lib. 1, diss. 4, c. 2, q. 8).

[76] St. Alphonsus, *Theol. mor.* l. 1, n. 157.

[77] Thus also Génicot, *Cas. consc.* I, 21 (*de leg.*, cas. 1).

[78] *Cod. iur. can.* c. 8.

195. Principle 2. A peregrinus is not obliged by the particular laws of the place where he dwells outside his own domicile or quasi-domicile, except in three cases: 1. if otherwise scandal or some other detriment would arise for the inhabitants; 2. if there is question of contracts to be entered into; 3. if there is question of penalties inflicted on account of a delict committed.[79]

It is declared: A peregrinus generally is not obliged by the particular laws of the place where he dwells, because he is not subject to the legislator of that place; for he is subject to the legislator not from the fact that he dwells for a short time in his territory, but from the fact that he acquires domicile or at least quasi-domicile there.[80] Wherefore if, for example, a bishop prescribed a feast day in his diocese, he neither could nor wished to oblige anyone except his own subjects.

But the three enumerated cases are excepted, in which not now the particular positive law, but rather the natural law itself induces the obligation. This indeed appears easily by inspecting the individual cases. For **1.** if a peregrinus by not publicly observing a feast day prescribed by particular law would give true scandal, he would be held to observe it.[81] Likewise, **2.** if by his transgression he would cause some other detriment to the inhabitants; for the natural law itself prohibits causing scandal or detriment to others. - The same reason applies concerning contracts and other acts to be entered into under a special juridical form. Hence that adage: The place rules the act.[82] For if a peregrinus did not observe particular laws made concerning the validity of acts and contracts, the act or contract would be invalid, and the peregrinus could always withdraw from the act or contract entered into, which would cause great detriment to the inhabitants. Whence if, for example, someone wishes to make a contract of purchase in some foreign place, he is held to fulfill the conditions required by the particular law of this place. As to the civil contract of marriage, special international stipulations have force. - **3.** The third exception, namely, as to penalties contracted from a public delict, follows both from canon law establishing:[83] "The accused obtains the forum in the place of the delict committed"; and from natural law. For if a peregrinus committing a delict in another place could not be punished by the legitimate authority of that place, he would often escape unpunished, or at least his chastisement would become very difficult. Whence also international law admits this exception. For if, for example, a Frenchman committed a crime in Switzerland and has been captured, he is condemned by a Swiss tribunal according to Swiss laws, but not according to the laws of France.[84]

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[79] In this way this principle is stated in *Cod. iur. can.* c. 14, § 1, n. 2: "Peregrini are not bound by the particular laws of the territory in which they are staying, excepting those which provide for public order, or determine the solemnities of acts."

[80] Cf. St. Alphonsus, *Theol. mor.* l. 3, 332.

[81] In this case not only is that advised, but it is truly commanded:

[82] Cf. *Cod. iur. can.* c. 1565.

[83] Cf. c. 3 and 20, X, 2, 2; *Cod. iur. can.* c. 1565.

[84] In the Spanish Civil Code it is expressly stated: "Penal laws, laws of police, and laws of public security oblige all who dwell in Spanish territory" (a. 8). The same code establishes similar things concerning the form and solemnity of contracts (a. 11). - Sometimes peregrini, from a special statute, are held to observe other particular territorial laws. Thus from the statute of the Supreme Pontiff, for example, a priest saying Mass in another church is held to observe the directory of that church if a feast double and above is celebrated there. All priests, even peregrini and exempt, must recite the Collects (prayers) commanded by the bishop of the place (S. C. R., March 5, 1898. *Decret. auth.* 3985).

196. Principle 3. A peregrinus is held to common laws which are observed in the place of his actual residence, although in the place of his domicile or quasi-domicile these laws have been abolished or suspended by legitimate dispensation,[85] or more briefly: Peregrini cannot use the privileges of their own territory.

The reason is that such dispensations exercise no liberating force outside the territory for which they have been granted. Wherefore, for example, an inhabitant of some region in which there is in force an Indult of eating meat on Ember days cannot use this Indult if he is staying in another place where the common law is in force. - But it is plain of itself that such an inhabitant can eat meat everywhere on earth if he has obtained a personal Indult.

> If you have been at Rome, live in the Roman manner;
> If you have been elsewhere, live as they do there!

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[85] *Cod. iur. can.* c. 14, § 1, n. 3.

197. Principle 4. A peregrinus can use the privileges and indults in force in that territory in which he is here and now staying.[86]

The reason is that a territorial privilege or Indult is judged to be given for all, whether inhabitants or travelers, who are staying in such territory (unless, however, the contrary has been expressly established, as, for example, Pius X did in the Constitution *Provida*). Hence, for example, an Italian traveling in Switzerland can use the privileges there in force concerning fasting and abstinence. - On the contrary, on account of the same reason, a peregrinus cannot use the particular privileges in force in the place of his own proper domicile or quasi-domicile, as is plain from Principle 3.

[86] *Cod. iur. can.* ibid.; St. Alphonsus, *Theol. mor.* l. 1, n. 161.

198. "Vagi are obliged by both general and particular laws which are in force in the place in which they are staying." Thus the Code of Canon Law c. 14, § 2 expressly establishes, and therefore the controversy formerly existing about this matter is finished. In some matters, and especially as to the celebration of marriage, special laws have been made for vagi, as will be said below in the treatise on marriage.

199. Scholion. On Some Particular Cases. If someone has already fulfilled the precept of a common law in one place, he is not held to fulfill it again if he comes to another place where this precept now obliges. For it is not equitable that one and the same precept cause a double obligation and have to be fulfilled twice. Whence, for example, if an inhabitant of Holland fasted on August 14 on the Vigil of the feast of the Assumption of the Blessed Virgin Mary, he is not held to fast again on the following Saturday, when the Vigil of this feast is celebrated in Prussia, if at that time he is staying in Prussia. On the contrary, the opinion of several theologians seems too formalistic (although probable), teaching, for example, that an inhabitant of Holland who on August 14 is staying in Prussia is not held to fast in Prussia, because on that day there is no fast there; and also that he is not held to fasting on the following Saturday, when he is then returned to Holland, because on that day there is no fast in Holland, since the feast of the Assumption has already been celebrated.

There are several matters in which the principles given above must be applied; notably in the absolution of reserved cases, for example, whether a penitent who committed a reserved sin in his domicile can be absolved outside his domicile by any confessor whatever. - But it will be better to treat the individual cases in their proper places.

Article IV. On the Promulgation and Acceptance of Law

200. Notion. The promulgation of a law is its authentic manifestation made by the legislator. Promulgation is distinguished both from the divulgation and from the notice of the law. For promulgation is the public announcement of a law made by command of the legislator with some solemnity according to received usage; but divulgation is the declaration of the promulgation itself made by trustworthy private persons.[87] But notice or knowledge of the law is something subjective, namely, although the law has been sufficiently promulgated and indeed even divulged, nevertheless it can be unknown by some subjects. It is plain of itself that divulgation is not required for inducing the obligation of a law; on the contrary, knowledge of the law is required in order that the law oblige in second act, or that its transgression be formally sinful. But it is asked whether even promulgation is necessary for inducing the obligation of law.

[87] Cf. Billuart, *De leg.* diss. 3, a. 2.

201. Necessity of promulgation. Although promulgation more truly does not pertain to the very essence of law, as was said above,[88] nevertheless no human law actually obliges before it has been authentically promulgated. For it would be true tyranny if a human legislator wished to urge the observance of some law before subjects could even arrive at authentic notice of the law. But authentic notice of a law cannot be had without authentic promulgation. Whence it is said in the Decretals:[89] "It is not necessary, when a constitution is solemnly issued or publicly promulgated, to inculcate knowledge of it into the ears of each one by a special mandate or letters; but this alone suffices, that he who knows it to have been solemnly issued or publicly promulgated is held to its observance." - By these words is indicated not only the necessity of promulgation, but also when sufficient promulgation is judged to be present. For it is not necessary for sufficient promulgation that the law be manifested to each subject individually or actually be known, but it is required and suffices that each subject can (morally speaking) have knowledge of the law.

[88] n. 143 note.

[89] c. 1, X, 1, 5; cf. *Cod. iur. can.* c. 8, § 1.

202. Mode of promulgation. a) The mode of promulgation for civil laws neither was nor is the same in all regions. Today civil laws are usually promulgated in some so-called official gazette.

b) Laws of the Supreme Pontiff formerly were affixed to the doors of Basilicas, or "at the entrance of Campo de' Fiori,"[90] and thus were sometimes presumed to have been sufficiently promulgated. Sometimes they were also transmitted to individual bishops or other ecclesiastical superiors. But now these pontifical laws are promulgated by publication in the official commentary of the *Acta Apostolicae Sedis*, unless in particular cases another mode of promulgating has been prescribed; and they exert their force only when three months have been completed from the day which is placed on the number of the *Acta*, unless from the nature of the matter (for example, a declaration of divine right) they bind immediately, or in the law itself a shorter or longer vacancy has been specially and expressly established.[91] Hence, for example, if the periodical of the *Acta Apostolicae Sedis* was issued on January 1, all laws published in it ordinarily do not oblige except from April 1 beginning, although perhaps they were made before January 1.

c) Episcopal laws begin to oblige immediately from promulgation, unless something else is provided in them; but the mode of promulgation is determined by the bishop himself.[92] According to the practice now commonly in force, episcopal laws are usually promulgated by so-called pastoral letters or in the official diocesan periodical gazette. - As to the laws of other prelates, particular statutes must be attended to.

[90] Cf. our *Man. iur. can.* q. 19: "*in acie campi Florae*," that is, "at the entrance of the flower market."

[91] *Cod. iur. can.* c. 9. Concerning the computation of time see c. 34, § 3.

[92] *Cod. iur. can.* c. 335, § 2.

203. Acceptance a) on the part of the people is not necessary in order that human laws induce obligation. This indeed is plain of itself for ecclesiastical laws, because the legislative power of the Church by no means depends upon the people, but upon Christ himself. The same also holds for civil law, at least if these laws are just and if the so-called plebiscite is not required, as still sometimes comes into use in Switzerland. But the reason is that otherwise all authority of laws would collapse and the subversion of the social order would follow. Hence Alexander VII condemned proposition 28: "The people do not sin, even if without any cause they do not receive a law promulgated by the prince."[93] - It is plain of itself that the people neither ought nor can accept human laws which injure natural or positive-divine right, for example, laws which persecute the

Church. For it is necessary to obey God rather than men; and therefore against unjust laws of this kind the so-called passive resistance must be opposed, as was already said above in n. 181. But even when other laws are promulgated which to the sounder part of the people seem not suitable to the circumstances of affairs, appeal can be made to the legislator, and meanwhile the obligation of the law is suspended from the presumed consent of the legislator.

b) Laws of the Supreme Pontiff do not even depend on acceptance by the bishops; for the Pope has supremacy not only of honor, but also of jurisdiction in the whole Church. Nevertheless, if at some time a bishop reasonably thinks that in his diocese, on account of singular circumstances existing there, some new pontifical law would cause true harm, he can for a time refrain from publication of that law; then, however, he must as quickly as possible seek an authentic explanation in the Roman Curia. "Nor," as Benedict XIV says,[94] "have the Roman Pontiffs ever refused to lend an ear to the reasons of inferiors; and as often as they recognized these to be sufficiently valid, they by no means refused to exempt some provinces or dioceses from the law of their general Constitutions, as to that kind of discipline concerning which we now treat." - Since any good bishop having union with the Apostolic See is not to be presumed a disobedient son of the Church, the priests and faithful of the diocese are excused from the observance of some new pontifical law which the bishop has not yet published in his diocese. This indeed can especially have a place in liturgical law; for example, in some places songs are still sung in the vernacular language during Mass or sacramental Benediction, although this is prohibited by common law.

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[93] Billuart discusses the acceptance of law broadly and well (diss. 3, a. 3). Cf. also St. Alphonsus, *Theol. mor.* l. 1, n. 138.

[94] *De syn. dioec.* l. 9, c. 8, n. 3.

204. c) Finally, no ecclesiastical laws (neither pontifical nor episcopal) need acceptance on the part of the civil government. For the Church is a perfect society, autonomous and altogether independent from civil government. Whence the Vatican Council[95] strenuously declared: "We condemn and reprobate the opinions of those who say that this communication of the supreme head with pastors and flocks can licitly be impeded, or who render the same subject to secular power, so that they contend that those things which are established by the Apostolic See, or by its authority, for the governance of the Church have no force and value unless they are confirmed by the approval of secular power." Therefore the "royal approval" is required neither for promulgation nor for acceptance of an ecclesiastical law. But sometimes in Concordats entered into with civil governments the Church has conceded to the power of the republic some right of intervening even in ecclesiastical matters, for example, in the election of bishops, in the administration of ecclesiastical goods, etc.

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[95] Sess. 4, c. 3 (Denz. n. 1829). Cf. Pius IX, encyclical *Quanta cura* of December 8, 1864; prop. 28 of the Syllabus: "It is not lawful for bishops, without the permission of the government, even to promulgate the apostolic letters themselves" (Denz. n. 1728).

Article V. On the Obligation of Human Law

205. Existence of Obligation. That a just human law, whether ecclesiastical or civil, induces an obligation (and sometimes a grave one) in conscience is certain. For God says: "Through me kings reign and makers of laws decree just things";[96] and: "He who despises you despises me."[97] St. Paul[98] also admonishes: "Let every soul be subject to higher powers; for there is no power except from God; and those which are, have been ordered by God. Therefore he who resists power resists the ordinance of God. But those who resist acquire damnation for themselves.... Therefore be subject of necessity, not only on account of wrath, but also on account of conscience." Bringing forward these texts of Sacred Scripture, the Sacred Congregation of

Propaganda Fide on June 23, 1830,[99] writes to the Apostolic Vicar of Siam: "That Christians are held to the observance of civil laws, even if these have been made by unbelieving princes, provided these are not opposed to the Christian religion and to the moral doctrine of the Gospel, there is no room for doubting." The Council of Trent[100] defined: "If anyone says that the baptized are free from all precepts of holy Church, ... so that they are not held to observe them unless they have wished of their own accord to submit themselves to them, let him be anathema."[101] - The reason for this obligation is not only the positive ordinance of God, which is drawn from the texts alleged above, but also because otherwise anarchy, which assuredly is a monster worse than dog and serpent, cannot sufficiently be kept away from human society.

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[96] Prov. 8:15.

[97] Luke 10:16.

[98] Rom. 13:1, 2, 5.

[99] *Collectan. de Prop. Fid.* n. 815.

[100] Sess. 7, can. 8, on baptism (Denz. n. 864).

[101] Several heretics taught that no ecclesiastical law as such obliges in conscience, such as the Waldenses, Wycliffites, Luther (*De captiv. Babylon.*, c. *de bapt.*), Calvin (*Inst.* l. 4, c. 10), and among Catholics Gerson, who dares to say: "The omission of canonical hours, the transgression of ecclesiastical fasts and generally of all statutes and rules and canons is never a mortal sin, except insofar as it is found discordant with the preceptive divine law; and thus insofar as some law has something admixed from the preceptive divine law, so far, and no further, is its transgression mortally vicious" (*Tract. de vita spirituali animae*, lect. 4, coroll. 4).

206. Quality of the obligation. The obligation of observing a law can be **1.** grave or light; **2.** direct or indirect. But what obligation is imposed in individual laws, whether grave or light, cannot be determined by a general rule; rather this depends both upon the circumstances of the matter and the end, and somewhat also upon the intention of the legislator, since he can command a matter grave of itself under light obligation. That the legislator can command under light obligation a matter grave of itself is taught by the opinion by far truer and more common.[102] For every law is a certain bond, which ought not be stricter than is necessary. But now it happens that the legislator obtains the end of the law in a grave matter with a light bond. Therefore then he not only can, but must, command a grave matter under light obligation. For the grave obligation of a law, therefore, two things are required, namely, grave matter and the will of the legislator to oblige gravely. But the legislator cannot command a matter light from every side under grave obligation. For this would impose an intolerable burden upon subjects; and such a law would no longer be for the true utility of the community. - In practice it is licit to discern the measure of obligation:

a) From the very words of the law, which, if they command severely, indicate the gravity of the obligation. Thus, for example, the following formulas indicate grave obligation: we command under threat of divine judgment; we command in virtue of holy obedience, etc.

b) From the gravity of the penalty which the legislator threatens against transgressors. For a grave penalty cannot be inflicted for a light fault. Whence, for example, if some law is imposed under pain of excommunication or under deprivation of benefice, etc., an evident sign is had that this law obliges under grave obligation.

c) From the interpretation of doctors and from the practice of subjects. Thus, for example, doctors commonly teach that a priest celebrating Mass is held under mortal sin to pour some little drops of water into the wine to be consecrated; likewise they teach that it is a grave sin if someone before the reception of the Eucharist eats even the least bit of food.

[102] Cf. *S. theol.* II-II, q. 105, a. 2; Gonet, *Clypeus theol. thom.* disp. 5, a. 3; Billuart, *De leg.* diss. 4, a. 5; St. Alphonsus, *Theol. mor.* l. 1, n. 143.

207. Scholion. On Formal Contempt of Law. If someone transgresses any law whatever (even one obliging of itself only under light obligation) from formal contempt, he sins mortally.[103] But formal contempt is present if someone despises the legitimate authority itself and precisely from such contempt transgresses the law. The reason why formal contempt in the transgression of any just law is always a mortal sin is taken from the grave rebellion against legitimate authority, which is always included in formal contempt. But formal contempt is not present: **a)** if someone does not observe the law from another motive, for example, from passion, from weakness, etc.; **b)** if someone despises or makes little of the thing indeed commanded in itself, but not precisely as commanded; **c)** if someone despises the superior not as superior, but as a private person on account of his vileness, weakness, or other imperfections. In practice truly formal contempt happens rather rarely. Discussion will return to this matter below, II, n. 579.

[103] Cf. *S. theol.* II-II, q. 186, a. 9 ad 3; Sylvius, Commentary on I-II, q. 96, a. 4; St. Alphonsus, l. c., n. 142. "In any matter whatever, formal contempt of law or of the legislator ... is always a mortal sin."

208. Extension of the obligation of law. Law obliges:

1. To knowledge of itself. This is plain of itself. For how can a law rightly promulgated be rightly observed, if it is not known by the subjects? Whence it follows that every subject, according to his capacity and according to his office, must procure for himself sufficient knowledge of human laws. - Knowledge of ecclesiastical laws is necessary not only for prelates, but also in some way for all priests; and therefore Pope Celestine[104] already established: "Let it be permitted to none of the priests to be ignorant of the canons." And Daniel Concina[105] deservedly says: "Therefore knowledge of the canons is necessary for theologians and will be of great use, ... and if a theologian is ignorant of it, he will be unfit for his office." - Even simple faithful must know at least the more principal ecclesiastical and civil laws.

2. To employing the ordinary means which are proximately necessary for its observance. For he who is held to obtaining an end is also held to employ the means which are necessary for obtaining the end. But I say: **a)** to ordinary means. Therefore extraordinary means are not commanded, since their procurement is too burdensome. I say: **b)** which are proximately necessary; for remotely necessary means ordinarily are not commanded by human law. Whence, for example, the ecclesiastical law commanding the recitation of the Breviary also prescribes the ordinary means necessary for this recitation, for example, the book of the Breviary, the book of the Directory; but it does not prescribe that a cleric have two copies of the Breviary for this purpose, namely, that if by chance he lost one copy, he would still have another for the satisfaction of his obligation. - The obligation of employing means includes the obligation of avoiding impediments to fulfillment. Whence it is not licit without proportionate cause to do something which would impede the proximate fulfillment of the law; for example, it is not licit in the morning on Sunday to go hunting or walking in a way which would impede the hearing of Mass; it is not licit without proportionate cause on a fast day to do some extraordinary labor which would render fasting impossible. But for judging in practice when it is licit to place an impediment to the observance of human law, one must attend both to the gravity of the law and to the utility of the transgressor, and generally the rules given above in n. 57 concerning the indirectly voluntary must be observed.

Note. Above, at the beginning of this article, it was said that every just law produces some obligation in conscience, so that the transgressor of the law sins before God. Yet this obligation is not always direct, that is,

by force of the law itself, but sometimes indirect, that is, by force of circumstances; namely, if there is question of a penal law, or an invalidating law, or a law founded on a false presumption. Concerning each of these laws one must treat specially.

[104] Decree of Gratian, c. 4, D. 38.

[105] *Theol. christ.* I, l. 1, diss. 3, c. 14.

§ 1. On Penal Law

209. Notion. A penal law is called that which directly and immediately does not oblige under some moral fault, but only under a penalty. Laws of this kind are judged to be the statutes of several religious institutes, several ordinances of civil government; for example, such a penal law is one which establishes that he who has been caught in an automobile machine running too quickly should pay a monetary fine.

Divisions. Penal laws are usually distinguished as purely and mixedly penal. A purely penal law is not explained in the same way by all. According to D'Annibale[106] and others, a purely penal law is that which disjunctively imposes a precept or a penalty, so that it is placed in our choice either to carry out the thing commanded or to undergo the penalty; for example, modern laws concerning customs duties establish: let no one introduce tobacco into France; but if he does, he must pay such a sum of money. Therefore it is placed in a man's choice either not to introduce tobacco or to pay the imposed tax. - Other authors, such as Billuart,[107] Koch,[108] etc., more rightly say that a purely penal law is one which indeed truly commands something to be done or omitted and threatens a penalty to transgressors of the law, but does not will to bind under moral fault. Therefore only juridical fault from the transgression of such a law is established and then punished. In this sense some modern civil laws are purely penal. Thus in the example given concerning an automobile machine, the legislator does not say: You are free; either excessive speed is to be avoided or the fine is to be paid. On the contrary he establishes: Excessive speed of that machine is absolutely to be avoided on account of the great inconveniences otherwise arising; but if someone nevertheless has been caught carried by excessive speed, let him pay the monetary fine. - A mixedly penal law imposes at the same time a direct truly moral obligation and a temporal penalty upon transgressors. For example, beneficed clerics must say the Divine Office, and if they do not say it, they not only sin, but are also punished by deprivation of benefice goods. - Besides these purely and mixedly penal laws, there exist in addition human laws simply preceptive or merely moral, which induce moral obligation without establishing any temporal penalty, for example, the law of hearing Mass on Sundays and feast days.

Concerning the three species of laws indicated above, it can be said briefly:

1. A purely penal law directly induces only an earthly penalty, juridical fault being supposed.

2. A mixedly penal law directly induces both moral fault and an earthly penalty.

3. A simply preceptive law directly induces only moral fault and eternal penalty.

[106] *Summula Theol. mor.* I, n. 207. He cites for his opinion the Salmanticenses and Laymann. Antoine gives the same explanation, *Theol. mor. univ., de leg.* c. 8, q. 1, resp. 2.

[107] *De leg.* diss. 4, a. 4, § 1. He treats this matter very well.

[108] *Lehrb. der Moraltheol.* § 26. This author treats several times specially of penal law.

210. Existence of penal laws. All admit that there exist human laws mixedly penal. For the matter is evident. Likewise almost all admit that the human legislator can make purely penal laws. For he who can do more can do less, as the common adage has it. But now the legislator can oblige his subjects to moral fault. Therefore *a fortiori* he can oblige them only to juridical fault and temporal penalty, so that a multitude of sins may be avoided. Few authors deny the possibility of penal laws,[109] who call those laws which expressly say that they do not oblige to moral fault, but only to undergoing the penalty, statutes or constitutions,[110] but not laws properly so called. But there is no leisure to dispute about words alone. Besides, nothing prevents purely penal laws from being laws in the strict sense, since they induce an indirect obligation in conscience and can have all the conditions of a true law; for they are an ordinance of reason for the common good, promulgated by him who has care of the community. - Therefore, the possibility of a purely penal law being admitted, it is further asked: do purely penal laws exist in fact? It is answered:

Proposition. There exist purely penal laws, both civil and ecclesiastical.

a) That purely penal civil laws exist is taught very commonly by authors, and the common estimation of the people bears it. Thus, for example, civil police laws (commonly *Polizeiverordnungen*) are usually held as purely penal laws. It must be noted, however, that the existence of purely penal laws cannot be deduced from the fact that not a few modern legislators no longer care about the moral obligation of laws in conscience. For then all civil laws of those regions would be purely penal, which is false. For it would be against natural law and against the good of the state if absolutely no human law induced a true and direct moral obligation in conscience, since it is impossible to preserve peaceful order among the people by the threat of temporal penalty alone.

b) There also exist purely penal ecclesiastical laws, although few.

Thus the opinion today is common. Thus, as purely penal laws are held the constitutions of several religious institutes, in which it is expressly established that subjects are obliged to the observance of those constitutions not under moral fault, but only under penalty. - In the Code of Canon Law no merely penal laws are found.

For recognizing penal laws the following criteria can be employed. A law is presumed penal: **1.** if the legislator says in express words that the law does not oblige to moral fault, but only to penalty; **2.** if such is the common interpretation of the wise; **3.** if the law indicates only the penalty, for example, he who deposits filth in this place must pay 10 francs. This last criterion, however, must not be urged too much.

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[109] For example, Linsenmann, Koch; cf. A. Koch, *Zu der Lehre von den sog. Pönalgesetzen*, in *Tüb. Theol. Quartalschr.* 1900, 204 sqq.; 1902, 574 sqq.

[110] Thus Concina, l. c., diss. 5, *De leg. hum.* c. 4.

211. Obligation of a penal law. Although penal laws do not directly oblige under moral fault, nevertheless moral fault can arise in an indirect way from their transgression in two ways: **1.** If their transgression is joined with culpable negligence or with inordinate passion or with contempt.[111] Thus, for example, although breaking silence prescribed by the constitutions of some religious order is not of itself some moral fault, nevertheless, because this transgression of the constitutions is usually wont to proceed from an inordinate affection, it often constitutes moral fault. - **2.** If the transgressor of a purely penal law refuses to accept the just penalty, since this is manifest disobedience, indeed even rebellion against a legitimate superior, which assuredly is a sin. Besides, if the transgressor of the law were not held in conscience even to accept the just penalty, the penal law would lack every moral sanction and would be nothing other than mere external coercion; which seems absurd. Cajetan[112] indeed seems to teach the contrary, saying: "Just as he [a religious]

does not sin by breaking silence, so he does not sin by omitting the assessed and imposed penalty." - But the reason brought forward for this opinion seems rather specious than solid. Here is the reason: if the transgression in acting, that is, in breaking silence, were excused from fault, but not the omission of the imposed penance, now that law would not be universally penal, but only partially, namely, it would be penal with respect to things to be done; but it would be moral with respect to the penalty to be suffered. To this reason it is answered that no inconvenience follows if a penal law is in fact called partial in this sense, that is, indirectly moral; for we concede that even a purely penal law induces a moral obligation in an indirect way. But if the justly imposed penalty itself did not oblige the transgressor except again under penalty alone, there would be a process to infinity; and the penal law itself would in truth have no sanction; or, as Billuart rightly says:[113] "If there were no obligation either to the act or to the penalty, it would not properly be a law, of the nature of which it is to oblige; but it would be a salutary warning or exhortation or counsel concerning what would be expedient in the community."

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[111] Cf. *S. theol.* II-II, q. 186, a. 9 ad 1.

[112] Commentary on II-II, q. 186, a. 9.

[113] *De leg.* diss. 4, a. 4, § 1.

212. Here there is usually joined the question: Must the penalty imposed by law upon transgressors be undergone before the sentence of a judge? But there is question not only of penalties of a purely penal law, but also of penalties established by any human law whatever. - Two things must be noted beforehand: **1.** In ecclesiastical law penalties *ferendae sententiae* and *latae sententiae* are distinguished. Those penalties are called *ferendae sententiae* which, after the delict has been committed, must be inflicted through some special sentence of a competent judge; for example, a confessor who committed the crime of solicitation to shameful things is to be punished with the penalty of suspension, but not except after the sentence of an ecclesiastical judge. Penalties *latae sententiae* are those which are incurred by the fact itself without a special sentence of a judge. They are usually expressed by these or similar words: "We prohibit under penalty of excommunication to be incurred by the fact itself." Such a penalty is, for example, excommunication against duelists. - **2.** Some penalties are negative, namely, those which prevent the guilty party from acquiring a good; thus irregularity from delict prevents the guilty party from receiving an order. Others are privative, namely, those which deprive the guilty party of some good already possessed, for example, deprivation of office, suspension from the exercise of orders, etc. Finally others are active or positive, namely, those which require a positive action to be performed by the guilty party, for example, a fine to be paid, incarceration, beating, etc. With these things premised, the proposed question can be answered in this way:

1. If there is question of penalties *ferendae sententiae*, they are never incurred before the special sentence of a competent judge. Thus all teach, and it is plain of itself from the very notion of a penalty *ferendae sententiae.*

2. If there is question of penalties *latae sententiae*, then more truly and commonly it is taught that no active penalty must be undergone before the special sentence of a judge, but only certain negative and privative penalties.[114] The reason for the first part is that laws must be proportioned to the common weakness of men. Moreover the common weakness of men is so great that among six hundred scarcely one would freely without external coercion inflict an active penalty upon himself. Therefore the mind of the legislator cannot be to compel his subjects to inflict active penalties upon themselves before the sentence of a judge.[115] Whence, for example, ecclesiastical law[116] commands that a bishop-elect receive consecration within three months from reception of the Apostolic letters; but if he has neglected this for six months, by the law itself he is deprived of his episcopate. From this, however, it does not follow that such a bishop-elect, not yet consecrated after six

months, is by the fact itself obliged to resign his office; but the sentence of a superior judge is still required.[117] - The reason for the second part is that the words of the law must be explained as they sound, unless either a great inconvenience follows or doctrinal or usual interpretation understands them otherwise. Moreover the words of the law sound clearly and expressly, for example, all duelists are excommunicated by the fact itself. Therefore, since custom and doctors understand these words in the obvious sense, it follows that everyone who has perpetrated a duel is excommunicated by the fact itself, without any further sentence of a judge being necessary.[118] Besides, in practice the explanations of doctors in individual matters must be especially attended to. - In every case, after a just sentence of a judge, the prevaricator of the law is held in conscience to accept the inflicted penalty, whether active or privative. At least he cannot licitly resist the power legitimately punishing. But whether one guilty party condemned to death or to prison can flee or even break out of prison will be said below, when there will be discussion of the obligations of the guilty party.

How ignorance excuses from ecclesiastical penalties was said above in n. 47. But it must be noted that from the benignity of the Church the delinquent does not incur any ecclesiastical penalty if his delict was not gravely imputable to him.[119]

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[114] Cf. Billuart, *De leg.* diss. 4, a. 4, § 2.

[115] Cf. St. Alphonsus, *Theol. mor.* l. 1, n. 149.

[116] *Cod. iur. can.* c. 333.

[117] The matter is otherwise concerning the received fruits of the benefice, which the bishop must restore even before the sentence of a judge if he has not been consecrated three months after confirmation. *Cod. iur. can.* c. 2398.

[118] Cf. *Cod. iur. can.* c. 2232, § 1.

[119] *Cod. iur. can.* c. 2218, § 2.

§ 2. On Invalidating Law

Preliminary Note. Not only human laws, but also the natural and positive-divine law can be invalidating laws. Thus, for example, diriment impediments of marriage which are of natural right (force, consanguinity of the direct line in the first degree, etc.) or of positive-divine right (the bond) are true invalidating laws. Since, however, these laws produce their invalidating effect immediately and always, without any man being able to dispense, they do not need special explanation. Therefore discussion will be about only human invalidating laws.

213. Notion. A human invalidating law is called that which establishes that some act or contract (indeed valid from its own nature) is invalid or at least rescindable on account of some determined defect.[120]

Therefore an invalidating law differs from a prohibiting law. For a prohibiting law renders the opposed acts illicit, while an invalidating law renders such acts juridically invalid or at least to be invalidated. Thus at least in itself, for in practice several invalidating laws are at the same time prohibiting. - The reason why the legislator sometimes makes invalidating laws is the common good. For the liberty of subjects would be too much restricted if the legislator wished to make no laws except those truly preceptive and directly obliging in conscience. And therefore he commands some acts, prohibits others, and only invalidates others. Nevertheless such laws are very effective, since they render the opposed acts altogether invalid. Invalidating laws are chiefly concerned with diverse contracts, for example, with sponsal, matrimonial contracts, with religious profession, with testaments, alienation of ecclesiastical goods, ecclesiastical benefices, etc.

An invalidating law can annul an act in two ways: **1.** by the law itself, when, namely, the act is rendered null from the beginning; thus, for example, all diriment impediments of marriage are invalidating laws by the law itself; **2.** after the sentence of a judge, if, namely, the act has force until it is rescinded by the judge. In the first case the act is called and is invalid; but in the second case the act is indeed valid, but rescindable.

Sometimes the law is not merely invalidating, but at the same time also penal, that is, it invalidates some act as a penalty for some delict committed; thus, for example, a beneficiary not reciting the Divine Office does not acquire the fruits of the benefice, and if he has acquired them, the act of acquisition is invalid and the beneficiary is held to restore the fruits received. - In practice it is not always easy to discern whether some invalidating law is at the same time, and indeed principally, penal or not, as the controversy concerning the impediment of crime shows. For several theologians before the new Code thought that this impediment was principally a penal law and therefore was not incurred by the ignorant. On the contrary, canonists commonly and rightly taught that this impediment was principally an invalidating law and therefore the ignorant are not excused;[121] which doctrine is now certain.

An invalidating law indeed is akin to an inhabilitating law, but it is not altogether the same. For an inhabilitating law directly regards the person, whom it renders incapable of carrying out certain acts; thus, for example, a woman is by divine right incapable of receiving orders; a religious after solemn profession is altogether incapable of any act of ownership. But an invalidating law directly regards the act (which it annuls), and only indirectly the acting person. Some authors,[122] however, think that an inhabilitating law is part of an invalidating law.

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[120] Cf. *Cod. iur. can.* c. 11.

[121] Cf. below the treatise on marriage III, n. 860.

[122] Thus Bouquillon, *Theol. mor. fund.* n. 148.

214. Effect of an invalidating law in the external forum. A merely invalidating law always and everywhere invalidates an act placed against it, without any regard being had to good intention, or fear, or ignorance[123] in the agent,[124] or to epikeia.[125] Therefore, for example, all diriment impediments (even the impediment of crime) really do dirimently impede marriage, even if someone has contracted marriage with good intention or with ignorance of the impediment.[126] If an invalidating law annuls an act by the law itself, the act from the beginning has no legal effect in the external forum; but if the invalidating law declares the act only rescindable, the act is held valid from the beginning and the effect of annulment does not begin except after the declaration of the competent authority, as has already been said.

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[123] *Cod. iur. can.* c. 16, § 1.

[124] Suarez (*De leg.* l. 5, c. 22, n. 7 sqq.) calls this opinion indubitable.

[125] Cf. Suarez, l. c., c. 23 and D'Annibale, *Summul.* I, 216.

[126] Therefore an invalidating law does not cease even in a case of very grave private inconvenience. Thus the far truer opinion. But an invalidating law certainly ceases if otherwise a very grave common inconvenience would arise.

215. Effect of an invalidating law in the internal forum. 1. Merely invalidating civil laws do not seem to cause a direct obligation in the internal forum, unless something else is certainly established from the matter or from the words of the law. The reason is that although the civil legislator certainly has the power of making invalidating laws even for the forum of conscience, nevertheless ordinarily he is rightly presumed not to impose such an obligation in conscience, since he is able to obtain the end of his law by civil invalidation

alone (and not moral invalidation).[127] But after a sentence has been given according to invalidating civil laws, there also arises a moral invalidation, that is, an obligation in conscience; and this not only from obedience or legal justice, but sometimes also from true commutative justice, namely if there is question of the transfer of ownership.[128] Hence, for example, if someone has received certain goods from an inform testament, which is invalid before a civil judge because of defect of the required form, he can retain them until the civil judge has determined the contrary. Conversely, an heir who knows that some testament is invalid because of defect of legal form can reject it and not observe its provisions. Only testaments made for pious causes are excepted, which more probably are considered in the internal forum as valid, although they lack the legal forms of civil law. Cf. below II, n. 277 and *Act. Ap. Sed.* XX 196.

2. Invalidating ecclesiastical laws, if they establish only that an act is rescindable, leave that act valid in the internal forum until it is invalidated by legitimate authority; but if they establish that the act is invalid by the fact itself, they render this act invalid in both forums and also annul its obligation in the internal forum. The reason is that the words of a law must be interpreted as they sound, unless otherwise some absurdity or irrational inconvenience would arise. But invalidating ecclesiastical laws simply and without any restriction annul certain acts. Therefore those acts are to be considered invalid in both forums, namely in the internal and external forum, unless from this there would follow some certain thing contrary to reason. Moreover in no ecclesiastical law is such an inconvenience found. Therefore, as a general rule, it can rightly and deservedly be held: An ecclesiastical law which invalidates some act by the law itself takes away from it every value and obligation in both the internal and the external forum. Thus the more common and truer opinion. Hence, for example, espousals which have not been entered into according to the form prescribed by law are wholly invalid and therefore produce no obligation either in the external forum or in the internal forum (unless, however, from the dissolution of the espousals unjust material damage has been caused).[129]

Note. "Laws, even invalidating and inhabilitating laws, do not bind in a doubt of law; but in a doubt of fact the Ordinary can dispense in them, provided there is question of laws in which the Roman Pontiff is wont to dispense." Thus the Code of Canon Law c. 15. Wherefore a bishop can dispense, for example, in all doubtful impediments of marriage, if the Pope is wont to dispense.

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[127] Cf. van Gestel, *De iust. et lege civili* LXV and LXXXVI.

[128] Cf. Soto, *De iust.* l. 4, q. 5, a. 3; Sylvius, *Com. in* II-II, q. 66, a. 2, quaer. 5, concl. 6.

[129] Cf. *Cod. iur. can.* c. 1017, § 1. I have treated specially of this case in *Linzer Theol. prakt. Quartalschr.* 1914, 140-145.

§ 3. On a Law Founded upon False Presumption

216. Notion. Presumption is taken in diverse senses, as will be explained more broadly below in the treatise on hope. But presumption, as there is now question of it, can be defined: "a probable conjecture concerning an uncertain thing";[130] or more broadly: "Presumption is a certain kind of proof, namely a reasonable conjecture or proof of a doubtful thing gathered from arguments and indications which frequently occur through the circumstances of things."[131] Concerning presumptions, insofar as they constitute a certain kind of proof in ecclesiastical trials, canonists treat broadly, and there exists a special chapter in the Code of Canon Law.[132] We briefly note the following:

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[130] *Cod. iur. can.* c. 1825, § 1.

[131] Ferraris, *Prompta Bibl.*, word "Praesumptio"; *Cod. iur. can.* c. 1825, § 1. In the German language presumption is called "Rechtsvermutung"; in the French language "présomption"; cf. French Civil Code 1349 sqq.

[132] Book 4, title 10, chapter 6.

217. Divisions. 1. By reason of the authority by which it is made, presumption of man and presumption of law are distinguished. A presumption of man is that which is found in no written law, but is gathered by man from reasonable indications. Thus, for example, a judge condemns the accused because of indications so strong that they produce moral certitude of guilt, although strict proof is not present. Canonists divide this presumption of man into light, grave, and most grave, according as the indications are light, grave, or most grave. - A presumption of law is that which proceeds from the authority and precept of the law itself. Several presumptions are held in law, for example, everyone is presumed good unless he is proved evil; "once evil, he is always presumed to be evil"[133] (understand: in the same kind of evil).

Presumption of law is subdivided into presumption *iuris* simply and presumption *iuris et de iure*. The first is that upon which the law indeed rests, but which admits proof of the contrary both direct and indirect; for example, true matrimonial consent is presumed conformable to the external words which were uttered in the celebration of marriage. Infants of Catholic parents are presumed to have been legitimately baptized. The other is that which in law is held as full truth until the contrary is manifestly established; and therefore against such a presumption only indirect proof is admitted, that is, proof against the fact which is the foundation of the presumption.[134] Such a presumption *iuris et de iure* stands, for example, for the sentence of a judge which passes into a thing adjudged;[135] for the validity of a marriage which has not been accused while both spouses were living.[136]

2. By reason of the object, presumption of common danger and of particular fact are distinguished. The first is present when the legislator presumes that in certain circumstances there is common danger or fault; for example, the legislator presumes that from the reading of heretical books there arises a common danger of perversion, and therefore he prohibits the reading of books of this kind. - The other presumption has place when the legislator presumes some particular fact, although this cannot be certainly proved; for example, in relation to marriage a doubtful baptism is presumed valid, although this cannot be proved in a particular case.

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[133] Rule of Law 8 in VI.

[134] *Cod. iur. can.* c. 1826.

[135] Ibid. c. 1904; *res iudicata* in German: *rechtskräftiges Urteil*; in French: *jugement définitif et exécutoire.*

[136] Ibid. c. 1972.

218. Principle 1. A law founded upon the presumption of common danger obliges, even if the presumed danger is not really present in a particular case. Thus also the Code of Canon Law c. 21 expressly establishes.

The reason is that a law does not yet cease, even if its end ceases in some particular case, as will be explained more broadly below. And in truth an opening would be given to many and pernicious illusions if a law ceased whenever some subject thinks that the law is useless for him. Hence, for example, the ecclesiastical law prohibiting evil books obliges even him for whom in some particular case there is no danger of perversion; the law of matrimonial banns must be observed, even if in some particular case it is already morally established from the beginning that no impediment obstructs the marriage.

219. Principle 2. A law founded upon presumption of fact obliges in the external forum until the falsity of the fact has been proved; but in the internal forum a law of this kind does not oblige.

The reason for the first part is that the presumption did not arise from a light motive and therefore is rightly held as truth in the external forum for as long as its falsity has not been proved. - The reason for the second

part is the common adage: "Presumption must yield to truth." Hence a hard conflict between the external and the internal forum can arise; for example, if some woman has been joined in marriage in the face of the Church, she is presumed in the external forum to be a true wife and is compelled to cohabit with the man until the nullity of the marriage has been manifestly proved; but if that woman herself certainly knows that the putative marriage is invalid because of some diriment impediment, she cannot conduct herself as a true wife and therefore cannot licitly ask or render the conjugal debt. But how she must act in such a case will be said below in the treatise on marriage III, n. 732 and 751.

220. Scholion. On legal fiction. From a law founded upon presumption differs the so-called "fiction of law," which is a disposition of law made in a possible matter against truth from a just cause.[137] Therefore by a fiction of law the law declares from a just reason that some juridical effect has been produced by a cause which, because of an impediment, did not in reality produce it; or more briefly: fiction of law is an objective falsity and a mere juridical favor granted from a just cause. For example, since every marriage celebrated in the face of the Church is presumed valid, all infants begotten in such a marriage are deemed legitimate by a fiction of law, even if afterward the nullity of the marriage becomes known. Likewise, by a fiction of law, the so-called sanation "in the root" effects that a marriage hitherto invalid is held valid from the beginning. Such fictions of law already came into use in the old Roman law and, because they are conformable to natural equity, always oblige in both the external and the internal forum; but they must receive a strict interpretation and therefore must not be extended beyond that which is expressed in the law.

[137] Cf. Bouquillon, *Theol. mor. fund.* n. 175 (ed. 3); *fictio iuris* is *rechtliche Annahme* in German.

Article VI. On the Mode of Fulfilling a Law

After it has been said concerning the very obligation of diverse laws, certain things remain to be said concerning the mode of fulfilling obligating laws. But we bring forward only general principles, reserving a fuller discussion for when there will be question of individual laws and precepts. The Angelic Doctor treats this matter in two articles, asking: 1. Whether the mode of virtue falls under the precept of law? 2. Whether the mode of charity falls under the precept?[1] Following the footsteps of St. Thomas, we set down these principles:

[1] *S. theol.* I-II, q. 100, a. 9 and 10.

221. Principle 1. More is required for the fulfillment of a law than for non-transgression.

The reason is that for non-transgression it suffices to do nothing against the law, while for the fulfillment of the law a true human act is required. For law is essentially a moral obligation. But a moral obligation cannot be satisfied by a physical, or amoral, or non-human act, but by a moral and human act. Thus, for example, an insane man does not fulfill the law, because he is incapable of a truly human act; but nevertheless he does not transgress human law, as is plain. Likewise, he who by compulsion eats nothing on a fast day, namely because he has no foods, although he very greatly desires to eat, does not indeed effectively transgress the law of fasting, because he really eats nothing; nevertheless he does not fulfill the law of fasting, because by compulsion he abstains from foods against his will. Indeed, affectively he has transgressed the law of fasting.

222. Principle 2. For the fulfillment of a law it is not required that the prescribed work be done from a habit of virtue or from charity,[2] or in other words: the substance of the act suffices, but the virtuous mode is not required.

Although a good legislator greatly desires that subjects be led to virtues and to sanctity, nevertheless he commands only the external work, which can be fulfilled even without virtue and charity; or in other words: virtue and charity are indeed the end of the precept, but not the precept itself. "The end of a precept does not fall under the precept," as the common adage bears. Wherefore Baius's proposition 16 was condemned by St. Pius V: "That is not true obedience to the law which is done without charity."[3] There are only two precepts which must be done with virtue, namely the precept of annual confession and of paschal communion, since they are determinations of divine law and otherwise grave sacrilege would be committed. Wherefore Alexander VII proscribed the following proposition (prop. 14): "He who makes a confession voluntarily null satisfies the precept of the Church."[4] Innocent XI condemned the proposition (55): "The precept of annual communion is satisfied by a sacrilegious eating of the Lord."[5] - But other laws are fulfilled, even if the act of fulfillment is vitiated by a sinful circumstance. Thus, he who fasts from vain glory, he who assists at Mass in order to lust after a woman, satisfies the precept of human law, although he sins because of the evil motive joined to it.

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[2] Thus Billuart, *De leg.* diss. 4, a. 2 after St. Thomas, *S. theol.* I-II, q. 100, a. 9 and 10.

[3] Denz. n. 1016.

[4] Denz. n. 1114.

[5] Denz. n. 1205.

223. Principle 3. For the fulfillment of a law the intention of satisfying the precept is not required, provided there is at least the implicit intention of performing the prescribed work itself, or more briefly: For the fulfillment of a law formal obedience is not required, but material obedience suffices.

The reason for the first part is that the intention of satisfying the precept is a merely internal act, which the human legislator perhaps cannot and certainly does not will to command. For the external prescribed work, which is principally intended by the legislator, can be duly done without this intention. Hence the subject must indeed will the external work itself, but it is not strictly required that he will this work reduplicatively as prescribed. (Wherefore authors commonly teach that even he satisfies the precept who has the explicit intention of not satisfying the precept, provided, however, that he has knowingly and voluntarily performed the work itself. The reason is that the obligation of the law depends on the will of the legislator and not on the will of the subject. Therefore, since the legislator prescribes nothing other than the work itself, once this work has been performed the law is fulfilled, whatever at length the subject intends. Thus the opinion which St. Alphonsus calls the more probable and most common: "The reason," says the holy Doctor,[6] "is that he who spontaneously fulfills the prescribed work truly executes that which is commanded by the superior; for to fulfill a precept it is not required that one have the mind of fulfilling, but it suffices that he place the prescribed act.") Therefore the intention of satisfying the precept is not required for the fulfillment of the law, but there is necessary at least the implicit intention of performing the prescribed work itself, or, as St. Thomas says, the prescribed work itself must be done knowingly and voluntarily.[7] The reason is that without this knowledge and will the work done is not a truly human act, which nevertheless is required for the fulfillment of the law, as was said above in the first principle. - This doctrine, however, cannot be extended to an obligation which arises from the will of the agent alone, as for example in the fulfillment of a vow or promise. For just as it depends upon the free will of the agent to make a vow or promise, so also it depends upon the same will to determine the mode of satisfying the obligation undertaken. Wherefore, if someone, for example, vowed to hear Mass, and now while hearing Mass expressly establishes that he is going to satisfy the obligation of the vow not by this Mass but by another, he really does not satisfy by hearing the first Mass.

Resolves. 1. If someone, hearing Mass in the morning on Sunday, expressly establishes that he wishes to fulfill the Sunday precept not by this Mass, but by another Mass to be heard afterward, nevertheless he has satisfied this precept, even if in reality he will not hear another Mass. The reason is that he has knowingly and voluntarily performed the prescribed work, namely he really heard Mass on Sunday.

2. He who slept during the whole Mass did not satisfy the precept. The reason is that he did not perform the prescribed work, nor did he really hear Mass. On the contrary, he who, being ignorant that it is a feast of precept, assists at Mass, has satisfied the precept; for he really performed the prescribed work.

3. He who goes to church for the sole motive of hearing the music, or seeing his lover, or avoiding penalties of his father or some other superior to be inflicted otherwise, does not satisfy the precept. The reason is that he does not will to hear Mass.

4. Soldiers who are led in a body to hear Mass satisfy the Sunday precept, although, if there were no compulsion, they would have omitted hearing Mass, provided, however, that now they will to hear Mass. The reason is that it is not asked what would have been done, but what has been done.

Note. The work prescribed by law, if it is personal, must be fulfilled by the subject himself; but if it is a primarily real work, it can also be performed by a deputy. Thus, for example, fasting is a personal work and therefore fasting prescribed by law must be fulfilled by the subject himself and not by his deputy; on the contrary, a tax to be paid is a primarily real work, and therefore someone can satisfy the law of taxes not only by himself, but also by a deputy.

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[6] *Theol. mor.* l. 4, n. 176. The holy Doctor indeed speaks there of the law of reciting the canonical hours, but his doctrine is general and is valid for every human law. Cf. l. 1, n. 164.

[7] Cf. *S. theol.* I-II, q. 100, a. 9.

224. Principle 4. By the same act one can satisfy several precepts concerning the same matter which are diverse not formally but only materially.

Precepts are judged formally diverse if they have been given on account of motives wholly special and diverse, or from wholly particular and complete titles; otherwise precepts are held only materially diverse. To discern formally and materially diverse precepts one must attend to the mind of the legislator, which indeed becomes known either by his express manifestation or by doctrinal or usual interpretation. - Hence he who must recite the canonical hours by reason both of sacred order and of ecclesiastical benefice satisfies two precepts by one recitation; he who in paschal time receives Viaticum satisfies by this one communion both the divine precept of receiving Viaticum and the ecclesiastical precept of receiving paschal communion. The reason is that these precepts are only materially diverse, as having been given from the same motive, namely in the first case the Office is to be recited and in the other case communion is to be received. - On the contrary, in the following cases diverse precepts cannot be satisfied by a single act: If someone must fast a) because of ecclesiastical law; b) because of imposed sacramental penance; c) because of a vow emitted, he cannot by one fast satisfy the threefold precept. If someone owes Peter one hundred francs because of damage unjustly caused and in addition because of a contract entered into, he cannot by one payment satisfy two obligations, as is plain of itself. The reason is that obligations of this kind are formally diverse, because they arise from titles or motives wholly particular and independent of one another.

225. Principle 5. At the same time several precepts concerning diverse matters can be satisfied, a) if the prescribed works are compossible; b) if the legislator has not prohibited it.

Which works are really compossible must be discerned from prudent judgment and common estimation. Thus hearing Mass, reciting the Breviary, or fulfilling a sacramental penance which consists in some prayers are compossible works. Whether, on the contrary, hearing Mass and, during it, making a sacramental confession are compossible works is not so established.[8] - If the legislator has expressly prohibited performing two prescribed works at the same time, as is wont to happen in works prescribed for gaining indulgences, surely such a prohibition must be observed.

[8] Cf. below in the treatise on satisfaction of the Sunday precept II, n. 481.

226. Scholion. On the time of fulfilling an obligation. Laws are wont to determine not only the work itself to be performed, but also some circumstances of the work. Among these circumstances is found the time of fulfilling the obligation. If the law has not been fulfilled at the appointed time, a distinction is needed: **1.** If the time has been determined for ending the obligation, outside this time (that is, neither before nor after) the law neither must nor can be fulfilled. Hence, for example, he who does not assist at Mass on Sunday neither must nor can satisfy the Sunday precept either on Saturday or on Monday. **2.** If the time has been determined for urging the obligation, the law must be fulfilled not only during this time, but also afterward. Therefore, when the appointed time has elapsed, the obligation of the law not only does not cease, but it urges more and is to be fulfilled as soon as possible. Hence, for example, he who has not received communion in paschal time (whether culpably or inculpably) must afterward do this as soon as possible. - Whether the time has been determined for ending, or rather for urging, the obligation depends on the intention of the legislator, which indeed is known from the right interpretation of the law.

If the time of the obligation of the law has already begun, and if then someone foresees that he will afterward be impeded, he is held to fulfill the law before the impediment is going to arrive. For example, if a priest in the morning foresees that he cannot recite the Office after midday, he must recite the whole Office in the morning. On the contrary, if a priest foresees that tomorrow he cannot recite the Office, today after midday he is not held to anticipate Matins and Lauds. For today the obligation has not yet begun, and no one is held to use the privilege of anticipating Matins and Lauds.

Article VII. On the Interpretation of Law. (Juridical Hermeneutics.)

227. The interpretation of law is necessary for a twofold reason: **1.** because law (at least human law) is sometimes obscure, and the mind of the legislator is not established; **2.** because a doubt can arise whether the law extends even to extraordinary cases perhaps not foreseen by the legislator. In the first case simple interpretation has place; in the other, epikeia comes into use. For the sake of clarity each must be treated separately.

§ 1. On Simple Interpretation

Definition. Interpretation is the genuine explanation of a law, or in other words: the explanation of the will of the legislator or the exposition of the legal obligation.[9] Therefore interpretation properly so called of itself establishes nothing new, but only manifests more clearly that which was already contained in the law. Hence extensive or restrictive interpretations (concerning which below) are rather modifications than interpretations of law.

[9] "Interpretation of the content of the law" (*Auslegung des Gesetzesinhaltes*).

228. Divisions. Interpretation can be divided a) by reason of the author and b) by reason of its character.

a) By reason of the author there is distinguished:

1. Authentic or legal interpretation, which is given by the legislator himself, or his successor, or by him to whom the power of interpreting has been committed by them.[10]

2. Usual interpretation, which proceeds from custom legitimately introduced among the people. In this sense there is the well-worn adage: "Custom is the best interpreter of laws."[11] Later, indeed, discussion of custom will return, but already now it should be noted beforehand that no custom except one which is according to or besides the law can truly interpret the law; but a custom which is against the law no longer interprets, but abolishes the law. - Similar to usual interpretation is judicial interpretation, which is also called jurisprudence or the authority of things similarly judged.

3. Doctrinal interpretation, which is given by learned and God-fearing men.

b) By reason of character it is customary to distinguish:

1. Comprehensive or declaratory interpretation, which declares that which is really contained in the law that has been made; for example, the law concerning Mass in another's church had been made for all priests and churches; since nevertheless a doubt had arisen whether exempt regulars also were included in this law, the answer was given by comprehensive interpretation: regulars are included.

2. Extensive, or ampliative, interpretation, which extends the law that has been made more broadly than it had hitherto obliged.[12] Thus, for example, Pius X extended the excommunication against those "compelling clerics to a secular tribunal" even to private persons, thus declaring the sense of the bull *Apostolicae Sedis*.

3. Restrictive interpretation, which restricts the law that has been made more narrowly than it had hitherto been in force.[13] Thus the Sacred Congregation of the Inquisition on 23 January 1886 had limited the same excommunication just cited, by restrictive interpretation, to legislators and other authorities.

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[10] Cf. *Cod. iur. can.* c. 17, § 1; c. 31, X, 5, 39: "Whence the law has proceeded, thence also interpretation should proceed." L. 12, Cod. 1, 14: "It belongs to him to interpret the law, to whom it belongs to establish it."

[11] L. 37, Dig. 1, 3; *Cod. iur. can.* c. 29.

[12] Cf. L. 195, Dig. 50, 16.

[13] Cf. L. 3, § 1, Dig. 26, 1.

229. Principle. Authentic interpretation has the force of law and therefore obliges like the law itself; but usual and doctrinal interpretation, which, while the legislator himself is silent (who can easily object), is brought into practice, is to be admitted and observed.

The reason for the first part is obvious; for just as the legislator was able to establish a law, so he can authentically declare the established law. Concerning this matter the Code of Canon Law c. 17, §§ 2 and 3 establishes: "Authentic interpretation, presented in the manner of law, has the same force as the law itself; and if it only declares words of the law which are certain in themselves, it does not need promulgation and has retroactive force; if it restricts or extends the law or explains a doubtful law, it is not retroactive and must be promulgated. - But when given in the manner of a judicial sentence or of a rescript in a particular matter, it does not have the force of law and binds only the persons and affects the things for which it was given." - The Supreme Pontiff can authentically declare not only the whole ecclesiastical law, but also divine and natural law. The reason is that the Supreme Pontiff, as Vicar of Christ, has the fullness of the power of ruling and directing the people to the supernatural end, which indeed cannot be obtained except by rightly

understanding and observing natural and divine law. Hence the Pope has authentically interpreted the natural and divine law concerning divorce, namely that complete divorce is not licit on account of adultery, as that text of the Gospel at least seemed to suggest: "Whoever shall put away his wife except on account of fornication, and shall marry another, commits adultery."[14] - Conversely, the Supreme Pontiff declared that complete divorce of a ratified marriage is licit on account of solemn profession and on account of Pontifical dispensation.[15] - Authentic interpretation of the Code of Canon Law was entrusted to a special Commission of Cardinals instituted by Benedict XV on 15 September 1917 (*Act. Ap. Sed.* IX 584). - A bishop can indeed authentically interpret diocesan laws, but not the laws of a provincial Council, unless this has been expressly committed to him.

The reason for the second part of the stated principle is both that custom according to law is the best interpreter of laws, and that learned and God-fearing men can very well perceive the true sense of the law; and their concordant opinion is of great weight, so that it would be unsuitable to think otherwise.

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[14] Matt. 19, 9.

[15] Cf. below in the treatise on marriage III, n. 681.

230. The rules to be observed in doctrinal interpretation are chiefly five:

1. Laws are to be understood according to the proper signification of the words considered in the text and context.[16]

This is plain of itself. Clear words of the law do not admit interpretation or conjecture of will; general words are to be understood generally; where the law does not distinguish, neither ought we distinguish; an indefinite expression is equivalent to a universal one. Since in ecclesiastical law, as in any science, there are found forms of speaking and writing alien to common use and known only to experts in law, commonly "technical terms," the signification of the words must be carefully considered.

2. If the words of the law are doubtful or obscure, recourse must be had to parallel places of the Code, if there are any, then to the proximate end of the law and circumstances, and to the mind of the legislator.[17]

The proximate end of the law is, as it were, its soul. Hence Sacred Scripture says:[18] "The letter kills, but the spirit gives life." - The proximate end of the law and the mind of the legislator are known both from the explicit manifestation of the legislator and from the object, circumstances, and motive of the law.

3. It is fitting that burdens be restricted and favors enlarged.[19]

In other words: An odious law is to be interpreted strictly, but a favorable law broadly. But which law is odious and which is favorable cannot always be easily distinguished. As a good distinctive sign there is held: A law is odious when its immediate effect is a grave burden and rather bitter medicine than nourishment. Thus penal laws generally are held as odious, because their immediate effect is a grave burden; likewise censures are held as odious laws and therefore are of strict interpretation. A favorable law is that which contains a grace and establishes nothing against the strict right of a third party. Such a favorable law is, for example, the law of exemption of regulars, because it conduces not only to the good of regulars, but also to the good of the whole Church, and is not against the strict right of the bishop. It sometimes happens that a law which is favorable to one is odious to another, as, for example, many privileges are. Then the special statutes must be attended to.

4. In obscure matters the minimum is to be followed.[20]

This rule is also customarily expressed thus: A doubtful law does not oblige. Concerning the sense, however, of this latter adage, discussion will return in the treatise on conscience. But the reason for this rule is that law is judged to be a binding of liberty. Moreover no doubtful, uncertain, and obscure moral binding ought to be admitted. Hence, for example, since it is not altogether clear that Socialists plotting against kingdom and priesthood fall under that censure: "Those giving their name to a masonic sect, or to other associations of the same kind which plot against the Church or legitimate civil powers ...," in practice Socialists do not incur this censure.

5. A later special law derogates from an earlier general law; but conversely a later general law does not derogate from an earlier special law, unless, however, this is specially and clearly established.[21]

The reason for the first part is that a special law is judged to be an exception from the common law. But the reason for the second part is that a common law is not judged to derogate from particular laws, since these are held as privileges and favors. Hence, for example, a special law given for the Seminaries of Italy derogates from common laws made concerning this matter; on the contrary, the general law concerning the interstices to be observed in the reception of Sacred Orders does not derogate from the privileges of several religious orders concerning this matter. But if the legislator by a general law wishes to abrogate particular laws, he is wont to use these or similar formulas: "All privileges and particular contrary laws whatsoever being abrogated, even those worthy of special mention."[22]

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[16] *Cod. iur. can.* c. 18.

[17] Ibid.

[18] 2 Cor. 3, 6.

[19] Thus Rule of Law 15 in VI; cf. *Cod. iur. can.* c. 19.

[20] Thus Rule of Law 30 in VI.

[21] Cf. *Cod. iur. can.* c. 22.

[22] Joan. Crus O. Pr. treats more broadly of the interpretation of laws and privileges, *De statu relig. et de privilegiis*, Venice 1620, l. 2, c. 2.

§ 2. On Epikeia

231. Notion. Epikeia (ἐπιείκεια = equity) is a benign and equitable interpretation, not of the law itself, but of the mind of the legislator, who is presumed in some extraordinary particular case to suspend the law that has been made,[23] from the strict observance of which something harmful or too burdensome would follow.

It is explained. "Because human acts, concerning which laws are given, consist in singular contingent things, which can be varied in infinite ways, it was not possible that some rule of law be established which would fail in no case; but legislators intend that which happens in the greater number of cases, making the law according to this, which nevertheless in some cases to observe is against the equality of justice and against the common good which the law intends: just as the law established that deposits should be returned, because this is just in the greater number of cases; nevertheless it sometimes happens that it is harmful, for example, if a madman deposited a sword and asks it back while he is in madness; or if someone asks back a deposit for the attacking of the fatherland. Therefore in these and similar cases it is evil to follow the established law; but it is good, the words of the law having been passed over, to follow that which the reason of justice and the common utility demand. And to this epikeia is ordered, which among us is called equity." Thus St. Thomas.[24] From what has been said it follows that epikeia is an act of legal justice, which induces man to observe laws necessary for the

common good. For although epikeia does not observe the letter of the law, nevertheless it attains its spirit, which intends the good of subjects.[25]

Epikeia differs from simple interpretation of law. For **a)** simple interpretation rightly illustrates an obscure law; but epikeia passes over a manifest law from the presupposed mind of the legislator; **b)** interpretation comprehends all cases of some law, but epikeia only a singular case. - How epikeia differs from dispensation of law will be said below, n. 238. Epikeia differs from presumed license, because by epikeia we judge that such an act is not comprehended under the law; but by presumed license we think that the superior would be going to dispense from the law if a petition were made.

Note. To employ epikeia rightly there is required exquisite judgment, mature prudence (which the ancients called *gnomen*), candor of soul, love of justice. For in epikeia a man constitutes himself arbiter of the law and, as it were, his own legislator. Wherefore epikeia is to be employed rarely. But commonly the more unlearned and inexperienced men are, the more boldly they employ epikeia. It is plain that such an abuse does not escape culpable transgression of the law.

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[23] Epikeia is defined by Aristotle (*Ethic.* V, c. 10, n. 6): "Direction of the law, where it fails because of the universal." Cajetan gives a profound explanation of this definition (*Com. in* II-II, q. 120, a. 1). Below II, n. 617 discussion will return concerning the virtue of equity. Epikeia, or equity, concerning which there is discussion here, is not a virtue, but an act, and indeed one pertaining to legal justice.

[24] *S. theol.* II-II, q. 120, a. 1.

[25] Ibid. ad 1.

232. Rules for the use of epikeia.

1. Epikeia can have place "whenever the law would be rendered harmful or very burdensome and difficult to observe." Thus St. Alphonsus.[26]

In the cases brought forward above by St. Thomas the law would become harmful, and there is a conflict between two laws, namely between the law commanding return of a deposit, and the law commanding the protection of the common good or of a great private good. Moreover in a conflict of two laws the more powerful law is to be observed. - The same is valid when a law would become very burdensome and too difficult to observe, provided, however, that there is question of positive laws and not of the natural law. For positive law is not wont to oblige with great inconvenience. Hence, for example, if a priest has labored through the whole day in the confessional or in the pulpit, so that he could not recite the Breviary, and now in the evening at the eleventh hour he is very tired, he can employ epikeia by interpreting the mind of the legislator, who did not will to exact the recitation of the Breviary after so great an exhaustion.

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[26] *Homo apost., de leg.* n. 77.

233. 2. Epikeia cannot be licitly employed:

a) If the superior who is able to concede dispensation of the law can easily be approached.

The reason is obvious. For epikeia is full of dangers, since a man in his own cause is wont too quickly to incline to the more benign part and then presumes the mind of the legislator to be such as it really is not. But when dispensation of the legitimate superior has been conceded, then the danger of illusion is almost absent. Hence, in the case just cited, such a priest could not licitly employ epikeia if the bishop or regular superior

having the faculty of dispensing could easily be approached to obtain a dispensation from recitation of the Breviary.

b) If there is question of a clear natural law, and more probably also if there is question of an invalidating law (ecclesiastical).[27]

The reason for the first part is that a clear natural law always obliges, and indeed even with great inconvenience; because its object is good or evil in itself; nor is God, legislator of the natural law, to be said not to have foreseen some particular case and to have wished it exempt from the law. Hence, for example, it is not licit to employ epikeia for saying a lie or for permitting fornication, even if someone is situated in the greatest straits.[28] - But if there were question of a natural law not so clear because of special circumstances added, and especially if there were present a conflict of two laws, as in the examples adduced above by St. Thomas, it is licit to employ epikeia broadly so called.

The reason for the second part is that an invalidating law is wont to be made on account of a most urgent common good, and the legislator very strictly and accurately determines the conditions under which he recognizes the validity of the act. Therefore it cannot reasonably be said that his mind was that in this or that case, on account of the necessity of some private man,[30] the obligation would not urge. But epikeia is nothing other than a benign interpretation of the mind of the legislator. Hence, for example, in matrimonial impediments, which are invalidating laws, it is not licit by employing epikeia to declare that a marriage is valid which was entered into in great straits with some diriment impediment. - But the things which some authors[31] heap together to prove the liceity of epikeia even in invalidating laws, and notably in diriment impediments of marriage, prove only that in great straits spouses can be left in good faith, even if the marriage is invalid because of a diriment impediment; or that the bishop or his delegate then has the faculty of dispensing. This indeed is most true and placed beyond doubt, since even the Sacred Penitentiary itself has more than once answered that putative spouses can be left in good faith.[32] But a sign not at all obscure that even those authors do not much trust their own opinion can be perceived in this, that they themselves prescribe that such a marriage entered into with a diriment impediment by epikeia being employed is to be convalidated as soon as possible by means of Pontifical dispensation. But how one must act in practice when all things are ready for nuptials and unexpectedly a diriment impediment is detected, whose dispensation now cannot be obtained in time, will be said below in the treatise on marriage, when the so-called "perplexed case" will be solved.[33]

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[27] Cf. D'Annibale, *Summula Theol. mor.* I, n. 216; Suarez, *De leg.* l. 5, c. 23 and l. 3, c. 30, n. 13; Aertnys-Damen, l. c. I, n. 176.

[28] Lehmkuhl (*Theol. mor.* I, 195) rightly says: "To speak of epikeia in natural law logically implies a contradiction."

[30] Authors commonly admit epikeia in an ecclesiastical invalidating law on account of an urgent necessity of public order.

[31] Especially Ballerini-Palmieri, *Opus theol.* I, *de leg.* n. 143 sqq.

[32] Cf. below concerning the convalidation of invalid marriage III, 632.

[33] Cf. below III, n. 731.

Article VIII. On the Cessation of Law

234. Preliminary Note. Law can cease in two ways: **a)** as to the obligation alone in some case or in a few particular cases, so that the law itself remains whole and intact; **b)** as to the obligation and substance at the same time, so that now nothing of the law remains. Each mode of ceasing must be treated individually.

The obligation of the law in a particular case, the law itself remaining, can cease: **a)** because of ignorance of the subject; **b)** because of impotence of the subject; **c)** because of dispensation of the superior; **d)** because of a contrary privilege granted. Concerning excusing ignorance (not from the material, but only from the formal transgression of the law) it has already been said above in the treatise on human acts n. 45 sqq. It remains to speak **1.** of impotence, **2.** of dispensation, **3.** of privileges.

The law itself, both as to obligation and as to substance, can cease from a threefold cause: **a)** by revocation made by a legitimate superior; **b)** by cessation of the total end; **c)** by contrary custom. Since very few things must be said about revocation of law, we comprehend at the same time the first and second cause of the cessation of the law itself, and thus the whole article is divided into five paragraphs, of which the first three pertain to the cessation of obligation and the following two to the cessation of the law itself, namely **1.** concerning cessation of obligation because of impotence; **2.** concerning cessation of obligation because of dispensation; **3.** concerning cessation of obligation because of privilege; **4.** concerning cessation of the law itself **a)** because of revocation; **b)** because of cessation of the total end; **5.** concerning cessation of law because of contrary custom.

§ 1. On the Cessation of Obligation Because of Impotence

235. Notions. Impotence is one thing absolute or physical, another moral. Absolute impotence for fulfilling a law is present when man is altogether incapable of observing it; for example, a cleric who without fault has lost his Breviary and cannot have another is situated in absolute impotence of observing the law concerning recitation of the Breviary. - Moral impotence is called that which, according to the prudent judgment of a discreet man, renders the work prescribed by law not indeed absolutely but morally impossible; or moral impotence is present when the prescribed work cannot be done except by employing altogether extraordinary labors. For example, a cleric who is held to labor through almost the whole day from his office is situated in moral impotence of reciting the Breviary. But I have deliberately said that moral impotence must be established in individual cases according to the prudent judgment of a discreet man, because no general norm is given to be employed in all matters. Therefore in any case all the circumstances both of the prescribed work and of the powers of the obliged man must be considered.

236. Principle. Absolute impotence excuses from every law; but moral impotence is wont to excuse from every positive law, but not from natural law.

The reason for the first part is that according to the well-worn adage "no one is held to the impossible." But in the Council of Trent[34] it is said in the words of St. Augustine: "God does not command impossibilities, but by commanding admonishes you both to do what you can, and to ask for what you cannot, and he helps that you may be able. His commands are not heavy, whose yoke is sweet and burden light."

The reason for the second part is that moral impotence renders the prescribed act so difficult that the greater part of men would never, or at least most rarely, perform such an act (which otherwise is not necessary from its own nature). Therefore if the legislator, foreseeing so many transgressions of the law, nevertheless urged it, now such a law would not be useful to the common good, but harmful; and therefore it would not be a true law. Wherefore it is most commonly said: "No positive law obliges with great inconvenience."[34a] This indeed is valid not only of human law, but also of positive divine law. Hence, for example, a penitent is excused from the divine law of integrity in confession if there is grave external inconvenience (cf. below concerning the integrity of confession). A man is not held to the ecclesiastical law of fasting or of Sunday Mass if from this he would have to suffer grave damage. - Nevertheless by accident (chiefly because of an added natural law)

sometimes positive law obliges even with very grave inconvenience, namely if **1.** its violation would yield to hatred of religion or contempt of God. Thus it is not licit to eat meats on a forbidden day if a tyrant demands this in hatred of religion, as the example of Eleazar shows; **2.** if otherwise great damage would arise to the common good. Hence a soldier must remain on watch, even if death threatens him from it; the human legislator can, when the common good requires it, prescribe heroic acts;[35] ecclesiastical invalidating laws, for example, concerning the diriment impediments of marriage, are wont to oblige even with great inconvenience.

Natural law, provided it is clearly known, always obliges and admits no excuse. The reason is that violation of natural law is intrinsically evil. But it is never licit to do something which is intrinsically evil. Therefore, if someone would even have to lose life unless he lied or fornicated, nevertheless he could not lie or fornicate. It must be noted, however, that natural law is not to be taken merely theoretically, but practically, that is, as here and now it presents itself with all the circumstances. For it can easily happen that the theoretical natural law in a particular case does not oblige because of conflict with another more powerful law; for example, natural law dictates that one must not steal; nevertheless in a particular case it is licit because of special circumstances to take another's things, as if someone is situated in extreme necessity, or if the leader of a war has permitted soldiers to take the spoils of enemies. Therefore in practice one must see whether the act clothed with all the circumstances is still against natural law or not. For facilitating a judgment of this kind, the rules given above concerning the indirect voluntary conduce greatly.[36]

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[34] Sess. 6, cap. 11.

[34a] Cf. *Cod. iur. can.* c. 2205, § 2.

[35] Cf. above n. 184. Those things which Cajetan teaches concerning the obligation of human law, although danger of death is present, in *Com. super* I-II, q. 96, a. 4 and II-II, q. 125, a. 3, are to be understood with a grain of salt. Billuart rightly, clearly, and briefly treats (*De leg.* diss. 4, a. 6) the question: "Whether human law obliges with certain danger of life, or of another grave damage."

[36] Cf. above n. 52 sqq.

237. Scholion. On an exempting cause and an excusing cause. Authors are wont here to append the question whether it is sometimes licit voluntarily to posit causes producing physical or moral impotence of observing the law. First it is necessary to distinguish exempting causes (also called withdrawing causes) and excusing causes. An exempting cause is departure from the territory or from the dominion of the law. An excusing cause is nothing other than physical or moral impotence of observing the law.

1. Ordinarily it is licit freely to posit exempting causes. The reason is that no one is held (at least ordinarily) to remain under the jurisdiction of a human law. Thus, for example, it is licit to depart from a territory to avoid the particular laws of that territory.[37] In ancient times, indeed, in some matters, for example, in the celebration of marriage, it was not licit "in fraud of the law," that is, precisely to avoid the obligation of the law, to betake oneself into other regions, but today this ecclesiastical discipline has been much changed, so that almost always even he who has departed from the territory in fraud of the law is free from the obligation of the law.[38] Nevertheless some civil laws do not permit someone to posit an exempting cause. Thus, for example, civil law does not permit a young man who is now about to be enrolled in military service to depart from the fatherland.

2. As to excusing causes, diverse rules are wont to be brought forward by which it is discerned when it is licit voluntarily to cause physical or moral impotence of this kind. Some authors distinguish between causes directly and indirectly, proximately and remotely impeding the observance of the law. But all these things

seem to be rather arbitrary. In this matter only the rules concerning the indirect voluntary seem to be applicable. For here a cause is posited, from which a twofold effect follows: one good, the other evil. The good effect is that which is intended; the evil effect is the impossibility of observing the law. This evil effect indeed cannot licitly be directly intended, but only permitted. Therefore it is licit to posit a hindering cause of this kind when the end is good and a proportionately grave reason is present. But what reason is proportionately grave must be judged **a)** from the gravity of the law to be transgressed and **b)** from the utility joined with this transgression. Thus, for example, some workman who must labor through the whole week in an unhealthy factory can sometimes on Sunday morning make an excursion into the woods to restore his strength, even if from this he cannot assist at Sunday Mass; on the contrary, for a rich man the same excursion with omission of Mass is not licit, because he does not need it in the same way, or he can make it on another day.

[37] Cf. above n. 194 concerning travelers.

[38] Cf. below concerning absolution of reserved cases III, 429; concerning the place of celebrating marriage III, 757.

§ 2. On the Cessation of the Obligation of Law by Dispensation

238. Notion of dispensation.[39] According to the primitive notion, dispensation (*oikonomia*) is an equitable distribution of a common thing to individuals according to each one's necessity.[40] But since it pertains to prudent administration sometimes from benignity to remit something otherwise owed, hence dispensation is wont to signify some remission of obligation. But dispensation of law can be defined: the relaxation of a law, or of its obligation alone, made in particular cases by competent authority from a special and sufficient cause.[41] Therefore the effect of dispensation is to take away in particular cases either the law itself or at least its obligation. Dispensation properly so called is always an act of jurisdiction and not of domination nor of knowledge alone; and therefore one who lacks ecclesiastical jurisdiction, as for example a superioress, cannot properly grant an ecclesiastical dispensation. To declare the notion of dispensation more clearly, it is useful to compare it with similar acts. Therefore dispensation differs:

1. from epikeia, since it is not done by a legitimate superior, but by the subject himself judging that some act is not comprehended under the law;

2. from license, which has a much broader signification than dispensation. Anyone who freely disposes of that thing whose use is sought can concede license. Thus a master gives a servant license to make a journey; thus a father gives a son license to use some thing, etc. There is given a presumed license, but there is not given a presumed dispensation; unless, however, someone in an improper sense wished to call epikeia a presumed dispensation;

3. from declaration, by which a superior or some other learned man declares that in some determined case the law does not oblige. For suitable knowledge is required and suffices for a licit declaration; but for a licit dispensation jurisdiction is required besides;

4. from invalidation, by which a superior from dominative power either annuls or suspends some obligation of a subject; for example, a husband can indeed invalidate, but not dispense, the vows of his wife.

5. from privilege, which indeed of itself is perpetual and constitutes a true private law, while on the contrary dispensation (at least ordinarily) is temporary and lacks the character of law.

[39] Both in ancient and in modern times rather many things have been written concerning the notion of dispensation, but nevertheless not small ambiguities and confusions concerning this notion still exist. This indeed seems to come from the fact that

dispensation is not always taken in the same sense in diverse matters, nor was it so taken in past times. Authors speak in one and the same tenor concerning dispensation in fasting, in matrimonial impediments, in ratified marriage, in irregularities, in vows, etc.; and nevertheless it is clearer than light that, for example, dispensation of ratified marriage is altogether something other than dispensation of fasting or abstinence. For by means of dispensation a ratified marriage is wholly destroyed and taken away, so that each spouse can freely enter into a new marriage; but by means of dispensation the law of fasting or abstinence is by no means taken away, but, while it remains, only its obligation in a particular case is suspended. Cf. Corradus Pyrrhus, *Praxis dispensationum*; Thomassinus, *Vetus et nova disciplina* P. II, l. 2, c. 72; Stiegler, *Dispensationswesen, Dispensationsrecht*, Mainz 1901.

[40] Cf. Gen. 43, 16-19; Luke 12, 42.

[41] Cf. *Cod. iur. can.* c. 80.

239. Divisions. There are several divisions of dispensation, which nevertheless we do not all bring forward for the sake of brevity. For a fuller doctrine, the canonists can be consulted. Chiefly there are distinguished:

1. Valid and invalid dispensation, according as it really produces the intended effect, or not.

2. Licit or illicit dispensation, according as it is clothed with all conditions, even accidental ones, required by law, or according as some accidentally and not essentially required things are lacking to it.

3. Subreptitious and obreptitious dispensation, according as in the petition for dispensation something true which had to be manifested was concealed, or also something false was declared.[42] But by some ancient authors subreptitious and obreptitious dispensation are taken promiscuously for every dispensation which has been obtained in a not sincere manner.[43]

4. Express and tacit dispensation, according as it is expressed in clear words, or is deduced from some fact. Some authors call tacit dispensation implicit dispensation.

Since the present matter of dispensation often comes into use in ecclesiastical practice, we shall discuss it a little more fully, nevertheless omitting several things which pertain to matrimonial dispensations, concerning which discussion will be below in the treatise on marriage.

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[42] Cf. *Cod. iur. can.* c. 42.

[43] Cf. Ferraris, *Prompta Bibl.*, word "Rescriptum" n. 29.

240. Author of dispensation. "Dispensation ... can be conceded by the maker of the law, by his successor or superior, and also by him to whom they have conceded the faculty of dispensing."[44] The legislator himself or his delegate can concede dispensations; for he who freely made the law can also in a particular case remit the obligation of the law, either by himself or through his delegate.[45] It is plain of itself that the successor or superior of the legislator has the same power. The legislator, or his successor or superior, is said to dispense by proper authority. But all others cannot dispense except by delegated authority; and this, if by law or legitimate custom it is attached to some office, is wont to be called quasi-ordinary authority, or power, or jurisdiction. Thus, for example, a pastor is said to dispense by quasi-ordinary authority in lighter ecclesiastical laws, as in abstinence to be observed on some determined day.

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[44] *Cod. iur. can.* c. 80.

[45] Cf. St. Thomas, *S. theol.* I-II, q. 97, a. 4.

241. The Supreme Pontiff can dispense **1.** in absolutely all ecclesiastical laws; **2.** in divine law, in which divine right, as it were, arises from human will, such as vows, a promissory oath, a ratified marriage.

That the Supreme Pontiff can dispense in all ecclesiastical laws is certain; for "the Pope has the fullness of power in the Church, namely in such a way that whatever things have been instituted by the Church or by the prelates of the Church are dispensable by the Pope."[46] - In ancient times some thought that the Pope was not above an ecumenical Council; but this doctrine is false, and already Sixtus IV condemned the proposition of Peter de Osma: "The Pope cannot dispense in the statutes of the universal Church."[47]

That the Pope cannot properly dispense in some divine law is asserted by many. Thus St. Thomas also[48] says: "But concerning those things which are of divine right or natural right, [the Pope] cannot dispense." - Nevertheless it is certain that the Pope dispenses and can dispense in a ratified marriage; it is likewise certain that a ratified marriage is a true sacrament and indissoluble by divine right. Therefore the Pope dispenses in divine law. Since these things are so, authors now speak in this way concerning the power of the Supreme Pontiff: The Pope cannot dispense in absolute divine law, for example, concerning the number, matter, and form of the sacraments; and St. Thomas must be understood concerning this absolute law if, with many old authors, he denies the faculty of dispensing in divine law. But the Pope can sometimes dispense in divine right which is founded upon some human fact, for example, upon matrimonial consent given, upon a vow emitted.[49]

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[46] St. Thomas, *Quodlib.* 4, a. 13.

[47] Denz. n. 731.

[48] *Quodlib.*, l. c. Ferraris (*Prompta Bibl.*, word "Dispensatio" n. 19) calls this opinion almost common, for which he cites several grave authors. Cf. also St. Alphonsus, *Theol. mor.* l. 1, n. 189.

[49] Cf. above n. 164.

242. Bishops and other local Ordinaries can dispense:

1. In all particular laws and statutes of their territory. For the bishop alone is the proper legislator of those laws, even if they were made in a diocesan synod. But a legislator can by proper authority dispense in his own law. Certainly if some diocesan law has been approved by the Supreme Pontiff, and indeed not in common form, but in specific form, now it cannot be dispensed by the bishop, because it has obtained the special sanction of the Pope. - But laws of a plenary or provincial Council are held as superior with respect to bishops, who therefore cannot dispense in them except in a particular case, or if this has been conceded to them expressly or tacitly.[50]

2. Also in common laws of the Church which are wont to be dispensed by the Holy See, provided there is question **a)** of a particular case of urgent necessity in which previous recourse to the Holy See is difficult;[51] or **b)** of cases frequently occurring in matters not so grave, as, for example, in the law of fasting and abstinence; or **c)** of a doubtful law, if it is a doubt of fact. But in a doubt of law the law now does not oblige.[51a]

3. In all those common laws in which the faculty of dispensing is conceded to bishops by the law itself, for example, in irregularities and suspensions arising from an occult delict, except that which arises from voluntary homicide, and except others brought to the contentious forum.[52]

Not only by ordinary, but also by proper authority, a bishop can dispense in the particular laws of his diocese; for then he dispenses in his own law. But in the common laws of the Church a bishop cannot dispense by proper authority, as is plain of itself; nevertheless he dispenses by quasi-ordinary power in the cases indicated under n. 2 and 3, because by written or customary law itself such a faculty of dispensing has been conceded to him. Discussion of those individual cases will return in their own places. - The Gallicans and Febronians

taught that a bishop can simply dispense his diocesan subjects in every ecclesiastical law, but this is false, since it lacks solid foundation and is repugnant to the constant doctrine and practice of the Holy See.[53]

By specially delegated authority bishops can sometimes exercise very ample faculties of dispensing. But how far those faculties extend must be seen from the particular pontifical rescripts.

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[50] *Cod. iur. can.* c. 291, § 2.

[51] Ibid. c. 81.

[51a] Ibid. c. 15.

[52] Cf. Council of Trent, sess. 24, c. 6 *de reform.* Cf. *Cod. iur. can.* cc. 990, 1043, 1045, 1245, 2237.

[53] Cf. epist. of Pius VI to the bishop of Trier, a. 1782.

243. Religious superiors in exempt clerical institutes, by ordinary authority, can dispense in the laws and statutes of their own institute. The approved statutes of each institute must be seen. As to common ecclesiastical laws, generally it can be said that those exempt religious superiors (even local ones), since with respect to their own subjects they have quasi-episcopal jurisdiction, possess for their subjects the same ordinary power (but not delegated power) of dispensing by which bishops enjoy for their diocesan subjects. But as to the observance of feast days, abstinence, and fasting, those superiors cannot dispense all subjects together, but only individual ones.[54]

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[54] *Cod. iur. can.* c. 1245, § 3.

244. Pastors by ordinary authority can grant no dispensation in ecclesiastical law.[55] Nevertheless, since they have quasi-ordinary jurisdiction, ecclesiastical law attributes to them the faculty of dispensing in individual lighter cases, for example, in fasting, in abstinence, in servile works prohibited on a feast day, individual faithful subject to them, indeed even individual families, but not the whole parish together.[56] The scope of this faculty is wont to be determined either from legitimate custom or from diocesan statutes. When danger of death is urgent, or in another urgent case, pastors also have an ample faculty of dispensing in matrimonial impediments, as will be said below III, n. 859-860.

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[55] Ibid. c. 83.

[56] Ibid. c. 1245, § 1.

245. Confessors can dispense in more urgent occult cases in which the Ordinary cannot be approached and danger of grave damage or infamy is imminent: **1.** concerning all irregularities arising from delict, except **a)** an irregularity which has arisen from voluntary homicide or from procuration of abortion; **b)** an irregularity brought to the judicial forum. But this dispensation is limited to the exercise of an order received and therefore does not extend to receiving orders;[57] **2.** concerning the observance of a vindictive penalty,[58] with the burden, however, of having recourse within a month to the competent superior. But if this recourse is morally impossible, the confessor can dispense absolutely; **3.** concerning all matrimonial impediments introduced by ecclesiastical law, with two excepted, namely those which arise from the order of sacred priesthood and from affinity in the direct line, if that affinity arose from a consummated marriage.[59] Indeed, when danger of death is urgent, the confessor can, for the internal forum in the act of sacramental confession, dispense even from public impediments and from the form to be observed in the celebration of marriage, as will be said more broadly below III, 859.

In more urgent cases confessors also have an ample faculty of absolving from censures, as will be said in the treatise on censures. But this is not dispensation, but absolution.

Religious confessors who have the privileges of the Mendicant orders, by delegated authority, can besides dispense: **1.** In all vows, except **a)** solemn or even public vows, that is, all public vows emitted[60] in some order or in some approved religious congregation; **b)** vows principally emitted in favor of a third party; **c)** the following two vows: of perfect chastity, and of entering an approved religion with solemn vows. It must be noted, however, that dispensation of these two vows is then only reserved if they are vows altogether absolute, certain, perfect, and emitted after the completed eighteenth year of age.[61] Therefore if they are conditioned, penal, or not so certain, they can be dispensed by regular confessors. Hence, for example, if a girl in illness vowed that she would enter the order of Poor Clares if she recovered health, she can from a reasonable cause be dispensed from this vow by a regular confessor, since that vow depends on the condition of health to be recovered.[62] - **2.** In a promissory oath, and indeed whether it is joined with a vow or not.[63] - Also in a simple vow of perfect chastity, when immediately before marriage one or other of the betrothed declares that vow in confession, and there is no time available for obtaining dispensation from the competent authority. Thus the opinion today is certain, since in such an urgent case every confessor can dispense from that impediment of marriage.

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[57] Ibid. c. 990, § 2.

[58] Ibid. c. 2290.

[59] Ibid. c. 1045.

[60] If some religious has made private vows, for example, to recite the Rosary daily, he can be dispensed by a regular confessor.

[61] *Cod. iur. can.* c. 1309.

[62] Some authors, among whom especially is Concina (*Theol. christ.* l. 4 in Decal., diss. 3, c. 11, n. 16), deny that regular confessors can dispense in vows. They concede only that they can commute vows. Ger. Oesterle, O.S.B., refutes this opinion very well in a learned way in *Theologie und Glaube* 1911, 389 sqq. and shows the opposite opinion to be safe in practice. (Cf. St. Alphonsus, *Theol. mor.* l. 4, n. 257, and below in the treatise on vows II, 423.)

[63] Cf. Noldin, *De praecept.* n. 253.

246. Note 1. Whoever has ordinary (or quasi-ordinary) power of dispensing can subdelegate it to others, unless something else is expressly provided by law. - An ample faculty of dispensing is conceded to all confessors in the so-called "Little Page of the Sacred Penitentiary," which can be obtained rather easily.

Note 2. When a just cause of dispensation exists, the superior not only can, but also sometimes must, concede dispensation. For either law, or justice, or charity can demand this. Thus, for example, a bishop must dispense from interstices if there is a great scarcity of priests and otherwise the common good would be harmed (legal justice demands this). Likewise a bishop must dispense in vows if otherwise the one vowing would be situated in grave danger of salvation (charity demands this); he must dispense in matrimonial banns if otherwise great damage or scandal would arise (justice demands this).

247. The subject of dispensation is all those who are subject at least in some way to the jurisdiction of the one dispensing. For dispensation, as was said above, is an act of jurisdiction, which cannot be exercised except upon subjects (to whom the unsettled are reckoned).[64] Hence, for example, a bishop (or pastor) can dispense with his subjects even when they are staying outside his own territory for a time. For they remain in some way subjects and nothing prevents dispensation from being conceded to the absent.[65] - But it is said: those who in some way are subject to the jurisdiction of the one dispensing. For full subjection is not required;

hence, for example, a superior in an exempt clerical religious institute can dispense in fasting and abstinence even all those who dwell day and night in his religious house, such as servants, students, etc. A special difficulty arises concerning dispensation to be granted to travelers, exempt religious, and the one dispensing himself. But according to all authors, for obtaining dispensations the unsettled must have recourse to the superior of the place in which they are here and now staying.

[64] *Cod. iur. can.* c. 94, § 2.

[65] Ibid. c. 207, § 3.

248. Travelers cannot be dispensed in common laws by the superior of the place where they are staying. For they are not properly subjects. Thus at least of itself. But in several cases travelers can receive dispensations of common law, just as inhabitants, as will be said in the proper places. Hence generally: In lesser cases, for example, in fasting, in observance of feasts, in abstinence, etc., the bishop, pastor, or even confessor (from delegation of the bishop) can from a reasonable cause dispense travelers.[66]

[66] Cf. St. Alphonsus, l. c. l. 1, n. 158; *Cod. iur. can.* c. 1245.

249. Exempt religious, according to the present discipline of the Church, can almost be dispensed by the Ordinary of the place like others living in the territory.[67] The reason is that otherwise those religious would be in a worse condition than the common faithful; and their exemption would turn not to their advantage, but rather to their detriment. This indeed is against Rule 61 of Law in VI: "What is conceded for the grace of someone is not to be turned back to his loss."[68] It must be noted, however, that exempt religious cannot seek dispensations from the Ordinary of the place unless previous permission of their own superior has been had. For he who seeks dispensation places himself (at least for this case) under the jurisdiction of the one dispensing. Moreover an exempt religious is prohibited, without previous legitimate permission, from placing himself under the jurisdiction of the local Ordinary.

[67] *Cod. iur. can.* c. 620.

[68] Thus also teach Vermeersch, *De relig. instit.* I, n. 382; Noldin, *De princ.* n. 183; Lehmkuhl, *Theol. mor.* I, 261.

250. The one dispensing himself, unless he has a power of dispensing limited to a certain mode or to certain persons, can also dispense with himself. Thus the common opinion. The reason is that dispensation is an act of voluntary and gracious jurisdiction, which one can ordinarily exercise upon himself. Hence, for example, a superior who can dispense his subjects in fasting can also dispense himself. If, however, the faculty of dispensing has been conceded to be exercised in the tribunal of penance alone, then certainly the one dispensing cannot dispense with himself, because no one can be judge of himself in the tribunal of penance. - In practice it is to be counseled that, for the internal forum, anyone, even the legislator himself, seek dispensation from another confessor, according to that saying: "No one is judge in his own cause."[69]

Note. Since jurisdiction can be exercised even upon one absent, ignorant, and unwilling, nothing prevents dispensation from being conceded to some subject who is absent, or ignorant, or even unwilling. And thus in reality dispensation is sometimes conceded in the so-called "sanation in the root."[70]

[69] Cf. *S. theol.* II-II, q. 185, a. 8.

[70] Cf. below III, 887.

251. Conditions required for dispensation. From the law of the Council of Trent,[71] which thereafter was not changed, three conditions are required for legitimate dispensation: **1.** a sufficient cause; **2.** knowledge of that cause; **3.** gratuitous concession of the dispensation.

1. Sufficient cause of dispensation. Internal and external causes, motive or final causes, and impulsive causes are usually distinguished.

Internal causes arise from the difficulty of observing the law itself in a particular case; for example, difficulty of observing the law of fasting because of grave labors.

External causes arise not from the law itself, but from the common good, for which better provision is made if in this particular case dispensation of the law is conceded. Such external causes are the dignity of the petitioner or of the superior dispensing, the payment of money for the utility of the Church. Thus, for example, because of an external cause a dispensation from some matrimonial impediment is conceded to a prince, namely because in this way the prince is bound more to the Church or because he gives a great sum of money to the poor. Such dispensations are sometimes called given "without cause," that is, without an internal cause, but not without an external cause. These external causes also are just and sufficient for obtaining dispensation. For in making laws the legislator first of all intends the common good. But it can be more useful for the common good if, although an internal cause is lacking, dispensation is conceded because of the dignity of the petitioner, than if it is refused. Therefore then the legislator or his delegate licitly concedes dispensation.

Motive or final causes are called those which by themselves alone suffice for obtaining dispensation. They are also customarily called canonical, because canon law admits them as sufficient.[72]

Impulsive causes are those which indeed alone do not suffice, but nevertheless help for obtaining dispensation. The distinction of motive and impulsive causes often comes into use in matrimonial dispensations.

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[71] "Let all know that the most sacred canons are to be observed by all, and, so far as can be done, indiscriminately. But if an urgent and just reason and sometimes greater utility should demand that dispensation be made with some persons, this, the cause being known, and with the greatest maturity and gratuitously, is to be performed by whomever the dispensation will pertain to; and a dispensation made otherwise is to be judged subreptitious" (sess. 25, c. 18 *de reform.*).

[72] Cf. below in the treatise on marriage, the canonical causes for obtaining dispensations concerning impediments, III, 871.

252. Principle. A dispensation conceded without sufficient cause is **a)** illicit, if it was given by the legislator himself (or his successor or superior); but it is besides **b)** invalid, if it was given from delegated authority.[73]

Therefore every dispensation conceded without sufficient cause is always illicit and sometimes also invalid. The reason for the first part is that dispensation is deservedly called a "wound of the law." But just as it is not licit to inflict a wound on a man without sufficient reason, so neither is it licit to inflict a wound on the law without a proportionate cause. - Besides, just as the legislator cannot make law at his own whim, so neither ought he relax an established law without sufficient reason through dispensation. But if he acted otherwise, he would disturb the right order of society, loosen the nerve of discipline, be an accepter of persons and an unfaithful dispenser; indeed he would be rather a dissipator than a dispenser. The gravity of the sin committed by such an unfaithful dispenser is to be weighed not so much from the gravity of the law frivolously dispensed as from the detriment thereafter following either for some members of the community or for the whole community.

The reason for the second part of the stated principle is the manifest excess which is committed by the one dispensing against the will of the superior, since he is not presumed to have conceded the faculty of

dispensing unless sufficient reasons are present. Therefore the delegate has exceeded the limits of the faculty obtained and consequently has dispensed not only illicitly, but also invalidly.

Gravity of the cause. The cause required for dispensing licitly is not necessarily as great as one which already of itself excuses from observance of the law. That cause suffices which, all the circumstances of the law and of the person being considered, is known to be fitting to reason, so that from the dispensation conceded both the common good is not harmed and the good of the dispensed person is increased. But which causes in individual cases are really sufficient cannot be determined by a general rule. First of all, the good and evil effects which probably will follow from the dispensation conceded must be attended to. It is never licit to concede a dispensation which would tend to the prejudice of the common good. Indeed, through dispensation the common good ought to make progress.[74] Three legitimate causes for dispensing are usually enumerated, namely: necessity, charity, utility (common or private). - If there is doubt, not indeed whether a cause exists, but whether the cause brought forward is sufficient, and that doubt persists after diligent deliberation, nevertheless the dispensation can validly and licitly be sought and conceded;[75] because otherwise many anxieties would arise, and besides, because the legislator in these circumstances is rightly presumed to concede license of dispensing. When the subject has candidly and truthfully explained to the superior all his causes for dispensing, and then has obtained the requested dispensation, now he can with safe conscience use the dispensation so obtained, unless, however, it is manifestly established that the superior dispensed frivolously without sufficient reason.

Note. Not only he who dispenses without sufficient cause commits sin, but also he who knowingly uses such a dispensation.

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[73] *Cod. iur. can.* c. 84, § 1.

[74] *S. theol.* I-II, q. 97, a. 4 ad 1.

[75] *Cod. iur. can.* c. 84, § 2.

253. 2. Knowledge of the cause of dispensation. Not only must a sufficient cause really be present, but it must also be known by the one dispensing, since otherwise he would act irrationally. In the external forum, especially if there is question of dispensation from a public impediment of marriage, the mode of having this knowledge is wont to be determined accurately and is called "verification of petitions"; but in the internal forum it suffices that the one dispensing have in whatever way moral certitude concerning the existence of a sufficient cause for dispensing. Authors dispute whether this knowledge of the cause is prescribed for the validity or only for the liceity of the dispensation to be imparted. St. Alphonsus[76] calls the opinion more probable which teaches that the value of the dispensation depends not on knowledge, but on the existence of a sufficient cause. This opinion indeed is safe in practice, unless, however, from the very words of the faculty of dispensing conceded, it clearly appears that knowledge of the cause is required as a condition *sine qua non*.[77]

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[76] *Theol. mor.* l. 1, n. 181.

[77] Cf. below in the treatise on marriage, III, 881.

254. 3. Gratuitousness of dispensation. It would be pure and foul simony if for the dispensation itself in ecclesiastical laws something material were demanded as a price. Nevertheless it is licit to demand some remuneration for the expenses of the Chancery; for it is very fitting that he who seeks dispensation pay the expenses necessary for the writer and dispatch of the dispensation. Besides this sum of money, which is wont to be called the tax (to which there is also added the "agency"), sometimes the so-called "composition" is

imposed, which is money to be paid for pious uses or as a fine because of the wound which through dispensation is inflicted upon the law.[78] Ordinaries or their Officials who, on the occasion of a dispensation conceded, demand any emolument are held to restitution.[79]

[78] Cf. below concerning matrimonial dispensations III, 876.

[79] *Cod. iur. can.* c. 1056.

255. Defects of dispensation. There are indeed many things[80] which can vitiate an acquired dispensation, both on the part of the one dispensing and on the part of the one dispensed, but concerning several of them discussion has already been had above. It remains to speak of two defects, namely **1.** concerning error and **2.** concerning fear.

[80] All defects of dispensation can be reduced to three species, namely to defect of jurisdiction, of justice (if a just cause for dispensing is lacking), and of will (if error or fear is present in the one dispensing).

256. 1. Error or deception arises in the one dispensing either from the fact that something false is narrated to him, or from the fact that something true which had to be manifested is kept silent in the petition of dispensation. Error can concern the object, subject, motive, and mode of dispensation. A dispensation obtained through the narration of some false motive is called obreptitious; but if it has been obtained through silence about some true thing necessarily to be manifested, it is called subreptitious.[81] A dispensation, whether obreptitious or subreptitious, is generally invalid and void.[82] The reason is that, generally speaking, the legislator or his delegate is not presumed to will to dispense with deception or error. Hence, for example, if a dispensation has been conceded concerning the diriment impediment of consanguinity in the second degree because it was asserted that conceived offspring had to be legitimated, this dispensation is invalid and void if the assertion was false. Some species of subreption also seems to be present if someone seeks from one superior of almost the same authority a certain grace denied by another superior. Hence the Code of Canon Law cc. 43 and 44 establishes: "A grace denied by one Sacred Congregation or Office of the Roman Curia is invalidly conceded by another Sacred Congregation or Office, or by the local Ordinary, even one having power, without the assent of the Sacred Congregation or Office with which, or with whom, dealing was begun, with the right of the Sacred Penitentiary for the internal forum remaining safe. Let no one seek from another Ordinary a grace denied by his own Ordinary, no mention having been made of the denial. - A grace denied by the Vicar General and afterward obtained from the bishop, no mention having been made of this denial, is invalid; but a grace denied by the bishop cannot validly be obtained from the Vicar General, even when mention has been made of the denial, without the bishop consenting."

But in the following cases a dispensation remains valid, even if obreption or subreption has been used:

a) If the dispensation was conceded *motu proprio*, at least if one final cause was true.[83] For the things which are conceded *motu proprio* are not conceded on account of petitions presented, as is apparent from the words themselves. Therefore it makes no difference what motive of dispensation is contained in the petitions presented. - Indeed, even if the sole final cause is lacking, dispensations concerning lesser diriment impediments of marriage are valid according to the discipline now in force, namely concerning the impediment **1.** of consanguinity in the third degree of the collateral line; **2.** of affinity in the second degree of the collateral line; **3.** of public propriety in the second degree; **4.** of spiritual relationship; **5.** of crime from adultery with promise or attempted celebration of marriage.[84]

b) If the error concerns merely accidental circumstances of object and subject, or only impulsive causes, provided, however, that a true sufficient cause for dispensing exists and at least the substance of the subject and object has been rightly designated. For the Code of Canon Law c. 42, § 2 establishes: "Nor does the exposition of what is false, or obreption, stand in the way, provided either the sole cause proposed or, from several proposed, at least one motive cause is true"; and c. 47: "Rescripts are not made void because of error in the name of the person to whom or by whom they are conceded, or of the place in which he resides, or of the thing concerning which there is question, provided that, in the judgment of the Ordinary, there is no doubt concerning the person or thing itself." Therefore the old adage, "A lying petitioner ought wholly to lack what has been obtained," is restricted to the case in which the lie has been made in an essential part of the sole final cause.

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[81] Cf. above n. 239.

[82] Cf. c. 7, X, 2, 22; c. 2 in VI, 1, 11.

[83] Cf. *Cod. iur. can.* c. 45.

[84] Ibid. cc. 1042 and 1054.

257. 2. Light fear does not harm the validity of a dispensation obtained. Thus all. Whether grave fear unjustly inflicted for obtaining a dispensation invalidates this dispensation is disputed. Some affirm. For it is repugnant to natural right itself that someone be freed from the obligation of law because of unjust force inflicted upon a legitimate superior. Others rightly deny. For the general rule is: "Acts placed from grave and unjustly inflicted fear are valid, unless something else is provided by law."[85] But in law nothing is provided concerning a dispensation extorted by fear (unless there is question of a dispensation remitting a penalty, c. 2238).

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[85] *Cod. iur. can.* c. 103, § 2; cf. Concina, *Theol. christ. de iure nat. et gent.* diss. 6, c. 5, § 7, n. 5; St. Alphonsus, *Theol. mor.* l. 1, n. 184.

258. Cessation of dispensation. Concerning this matter the Code of Canon Law c. 86 establishes: "A dispensation which has successive duration ceases in the same ways as a privilege, and also by the certain and total cessation of the motive cause." How privileges cease will be said below, n. 268. A dispensation which does not have successive duration, namely one which is completed by a single act, cannot cease once it has produced its effect, according to that adage: a fact cannot be made not done. Other dispensations can cease in three ways: **1.** on the part of the one dispensing; **2.** on the part of the one dispensed; **3.** on the part of the final cause.

259. 1. On the part of the one dispensing, dispensation ceases **a)** by revocation; **b)** sometimes also by his death.

a) As to revocation, these things must be noted: He who has dispensed by proper authority can always validly revoke the dispensation conceded, provided every obligation has not been extinguished by the prior dispensation. For he who by proper authority freely suspends some obligation can also impose it again. Thus, for example, the Pope can revoke a dispensation given concerning the law of fasting. If, however, the matter dispensed has already lost every obligation, revocation can no longer be made. Thus, for example, the Pope cannot revoke a dispensation conceded concerning a ratified marriage, since what has once been dissolved and destroyed cannot revive. - He who conceded a dispensation from delegated authority cannot revoke it without a sufficient reason; for just as he could not validly or licitly concede a dispensation without a sufficient reason, so neither can he validly or licitly revoke it once conceded without a sufficient reason. But the reason is that the power of one dispensing from delegation is bound to only licit use. But someone uses his power illicitly if

he does not act from a sufficient and reasonable cause. Therefore neither can the legislator himself, or anyone who has dispensed from proper authority, licitly revoke without sufficient reason a dispensation conceded.

b) By the death of the one dispensing or cessation in office, a dispensation generally does not cease; but it ceases if it was conceded by the following or similar formulas referring to the very person of the one conceding: "at our good pleasure,"[86] "at our judgment," "until it shall have pleased"; on the contrary it does not cease if it is conceded by the following or a similar formula: "until revocation," because revocation has not in reality been made.

[86] *Cod. iur. can.* cc. 86 and 73.

260. 2. On the part of the one dispensed, dispensation ceases by renunciation. But for this, so that the dispensed person can validly and licitly renounce the accepted dispensation, it is required: **a)** that from this renunciation the right of the community or of a third person not be harmed; **b)** that the superior have accepted the renunciation of the dispensed person. - That the dispensed person can freely renounce the dispensation obtained is easily understood. For dispensation is some benefit, which ordinarily is not imposed upon one unwilling. If, however, the dispensation or faculty conceded was conceded not only for the utility of the recipient, but also and perhaps principally for the utility of the community or of a third person, the dispensed person now cannot freely renounce the accepted dispensation, because then he would cause detriment to others. Thus, for example, a bridegroom cannot renounce a dispensation concerning an impediment of marriage if detriment would be caused to the bride from it. - But that acceptance of the superior is required for the valid renunciation of the dispensed person is clear from this, that through dispensation the obligation of the law has been extinguished. Moreover a new obligation cannot arise unless the superior consents. This consent indeed may be explicit or at least tacit or presumed. In matters of lighter moment tacit or presumed consent always suffices. Hence he who has been dispensed from the law of fasting can freely renounce the dispensation obtained from the presumed license of the one dispensing, if he can prudently fulfill the law of fasting.

By simple non-use a dispensation does not cease,[87] because non-use can consist with the intention of using the dispensation afterward. Hence if someone has been dispensed from the law of abstinence, but nevertheless for several months has abstained from eating meats, he can afterward, the sufficient cause still subsisting, again use the dispensation. Likewise, if someone, having obtained a dispensation for contracting marriage with Tullia, a blood relative in the third degree, nevertheless married Caia, he can, Caia being dead, marry Tullia. But if the dispensation is burdensome to a third person, then through voluntary non-use prescription can prevail, which finally at some point will destroy the dispensation.

[87] *Cod. iur. can.* cc. 86 and 76.

261. 3. On the part of the final cause, that dispensation ceases which was not conceded absolutely. Otherwise the dispensation remains valid. Therefore two things are required for the cessation of a dispensation: **1)** That the truly final cause cease. For from the cessation of an impulsive cause the dispensation does not cease, provided some final cause remains. **2)** That the dispensation was not given absolutely. A dispensation whose effect is indivisible and is at once obtained totally is judged to have been given absolutely. Certainly in practice it is not rarely very difficult to discern whether some dispensation was given absolutely, or only conditionally, namely under the condition of the cause subsisting. Hence very often doubts are wont to arise concerning the value of a dispensation, because the final cause now does not exist or has been essentially changed. To eliminate these doubts at least partially, Pius X established that in matrimonial impediments of

lesser degree a dispensation always be conceded from *motu proprio*, and therefore in these dispensations the cessation of the final cause now does not harm the value of the dispensation obtained.[88] - But in other dispensations which have "successive duration," as it is said, when the final cause ceases, by that very fact the dispensation also ceases. Thus, for example, he who because of illness had been dispensed from the law of abstinence must, health having been recovered, again observe the law of abstinence; he who at the beginning of Lent had been dispensed from the law of fasting because of grave labors to be carried out is bound to fast if during Lent those labors have ceased. Modern authors rather commonly teach[89] that dispensations concerning impediments of marriage and concerning irregularities are conceded in an absolute mode, and therefore the dispensation remains valid if before the use of the dispensation the final cause has ceased, provided it really existed at the time of the concession itself. For example, Bertha obtained a dispensation concerning the impediment of consanguinity in order to legitimate offspring already received. At the time at which the dispensation was conceded, the offspring was living, but died before the marriage was to be contracted. Nevertheless the dispensation conceded is valid.[90] - Concerning dispensation from a vow of chastity there were special difficulties and controversies, but today this dispensation is conceded with clauses added so clear that in practice no grave difficulty any longer subsists. But it seems that in vows a dispensation ceases if before its execution the sole cause of dispensing has ceased. For no one (not even the Pope) can dispense in vows without a sufficient and really existing cause, since they are of divine right. Wherefore, for example, if Bertha bound by a vow of chastity had been dispensed for entering marriage solely for the sake of legitimating offspring, and this offspring died before celebration of the marriage, the dispensation of the vow ceases, so that Bertha remains bound by the vow and needs a new dispensation.

Territorial dispensation ceases if someone has gone out of that territory; on the contrary, personal dispensation follows the dispensed person wherever he may be. Hence, for example, a German cannot outside Germany use dispensations in the law of abstinence conceded for his fatherland; but if he received a personal dispensation in the law of abstinence, he can use it everywhere on earth. The matter is plain from what was said above n. 196 sqq. concerning the obligation of travelers.

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[88] Cf. above n. 256.

[89] Thus Lehmkuhl, *Theol. mor.* I, n. 268; Noldin, *De princ.* n. 189; cf. also St. Alphonsus, *Theol. mor.* l. 1, n. 196.

[90] Cf. below in the treatise on marriage III, 880 and 883.

262. Interpretation of dispensation. 1. The faculty itself of dispensing, if it is ordinary or delegated for a universality of affairs, is to be interpreted broadly; any other strictly. Thus the Code of Canon Law c. 200, § 1. Therefore, for example, a confessor to whom a general faculty of dispensing for the internal forum has been committed can use it not only in the forum of penance, but also outside the confessional, because the internal forum is not restricted to the tribunal of penance. - Although the faculty of dispensing conceded for a certain case is to be interpreted strictly,[92] nevertheless it also carries with it other powers which are necessary for its use; wherefore, for example, in the faculty of dispensing there is also included the power of absolving from ecclesiastical penalties, if any perhaps stand in the way, but only for the effect of obtaining the dispensation.[93]

2. The dispensation itself is to be interpreted strictly, because it is judged to be a wound of the law.[94] Nevertheless sometimes a dispensation is to be interpreted broadly, especially in four cases: **a)** if it was conceded *motu proprio*; **b)** if it was conceded for the public good; **c)** if it was conceded to the whole community and not to a singular person; **d)** if it was inserted in the Code of Canon Law.[95]

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[92] *Cod. iur. can.* c. 85.

[93] Ibid. c. 66, § 3.

[94] Ibid. c. 85.

[95] Cf. Lehmkuhl, l. c., n. 266.

§ 3. On the Cessation of the Obligation of Law by Privilege

Preliminary Note. We treat soberly and briefly of privileges, because this matter pertains rather to Canon Law than to Moral Theology. Therefore, for fuller doctrine, canonists are to be approached, and if there is question of particular privileges, before all else the Indult itself, which granted the privilege, is to be inspected.

263. Notion. Privilege is taken either objectively or subjectively, and again in either mode either broadly or strictly.

A privilege, taken objectively and broadly, is any particular law, whether favorable or odious; for privilege by force of the word is nothing other than a private or special law (a law of exception, *Ausnahmegesetz*). In this sense the rights of bishops, pastors, minors, wives, etc., can be called privileges.[96]

A privilege, taken objectively and strictly, can be defined: a private law granting a special favor against or beyond common right; or more briefly: a favorable private law (a special right, *Vorrecht*). Therefore a privilege is a law, and accordingly it ought to have all, at least essential, conditions of law. Hence it ought to be:

1. Something stable and permanent; and therefore it is distinguished from a dispensation or indult or some grace, which for the most part is conceded not in a stable and permanent mode, but transiently.

2. Useful to the community. Although a privilege at first sight may not seem useful and favorable except to some particular person or community, nevertheless in reality it tends to the utility of the whole state or of the Church. Thus, for example, the privileges of Regulars, considered in passing, seem to be harmful to the authority of bishops and to the influence of pastors, yet in reality they serve the greatest utility of the whole Church. For without those privileges Regulars could not labor so expeditiously and easily for the salvation of the faithful, nor even assist bishops and pastors so fruitfully in procuring the salvation of souls. Likewise the privileges of clerics, namely the privileges of canon, forum, and immunity, in appearance are favorable only to clerics alone; but in reality they tend to the greatest utility of the whole Christian religion. - But if certain privileges truly were not useful to the common good, then they are called exorbitant and would have to be abrogated as soon as possible.

3. Established by him who has care of the community. Hence no one can grant a privilege properly so called except he who is the supreme legislator of some perfect and autonomous community, namely the Pope for the whole Church, the king for his kingdom, the bishop for his diocese, etc.

Note. Sometimes privilege is taken in an improper sense; and then it is nothing other than some special favor granted by a superior against or beyond common right. In this sense we speak of the privilege of a portable altar, of a private oratory, etc. In this sense also in the Code of Canon Law there are reckoned among privileges, besides the law, indults or habitual faculties (e.g., to an Ordinary), which are granted either in perpetuity or for a predefined time or for a certain number of cases.[97] - Sometimes privilege is confused with dispensation; yet this confusion is to be avoided. For every privilege properly so called is a true law, as has been said; on the contrary, dispensation is a relaxation of the law, or at least of its obligation. In the new Code there is no accurate definition of privilege.

A privilege, taken subjectively, is the faculty itself of acting according to the privilege considered objectively.

[96] Cf. c. 8, C. 9, q. 3.

[97] *Cod. iur. can.* c. 66, § 1.

264. Divisions. Very many divisions of privileges are customarily adduced, of which the more principal are the following:

1. By reason of the subject: a personal and a real privilege. The first is that which primarily and directly is granted to some person (whether physical or moral), and accordingly follows this person everywhere and is extinguished with him, for example, the privilege of reciting the Rosary in place of the Breviary. - The second is that which primarily and directly is granted to some thing, say to a place, office, dignity, etc., and by means of this thing to determinate persons. - In the likeness of real privileges are held those faculties which are customarily delegated habitually to bishops and major superiors of religious orders. Accordingly those faculties do not cease by the death or removal of the indultary.[98]

2. By reason of the object: a) a favorable and an odious privilege. The first confers a grace or benefit upon the privileged person, but brings prejudice to no one, as for example the honorary privileges of certain offices. - The second is that which, by favoring one, at the same time brings an inconvenience to another (but not to the common good), for example, exemption from taxes granted to some persons; for if some are not bound to pay taxes, greater taxes are imposed upon others for paying common expenses.

b) A privilege against and beyond right. A privilege against right derogates from common right. Such a privilege is, for example, the exemption of bishops and other Ordinaries from the ecclesiastical prohibition of books (c. 1401). A privilege beyond right is that which indeed is given by no common law, but is also prohibited by no common law, as are various habitual faculties of dispensing, absolving, etc. (c. 66, § 1).

3. By reason of the motive: a gracious and a remuneratory privilege. The first is granted from the mere liberality of the superior; the second is granted as a reward and recompense for the merits of oneself, or of parents, or of blood-relatives, or of relations.

4. By reason of the mode in which it is granted: a privilege granted *motu proprio* or "at the instance." If the Pope in the concession of a privilege inserts the formula *motu proprio*, then such a privilege is a most special favor, which is of broad interpretation and is not invalidated by the defect of obreption and subreption. - But a privilege which was granted "at the instance" or "at the prayers" is to be understood and interpreted according to the petition previously presented.

5. By reason of relation to other privileges: a privilege granted "first and through itself" and "after the likeness." The first is granted without respect to a privilege otherwise given; but the second is given in that mode in which it has already been granted to another. But a privilege "after the likeness" is again twofold: equally principally and relatively. A privilege is granted equally principally if it is bestowed just as if it had been granted first and through itself. Therefore such a privilege is not judged revoked, although another privilege, after the likeness of which it had been granted, has been abolished. A privilege is said to be granted relatively if it is communicated because of the connection which the privileged person has with others who already before had been privileged. This distinction of privileges indeed was often used in antiquity in the so-called communication of privileges; but according to present discipline it is no longer of so great practical value.

[98] Cf. S. Off. d. 24 Nov. 1897; 20 Apr. and 23 June 1898; 3 May and 20 Dec. 1899; *Cod. iur. can.* c. 66, § 2.

265. Acquisition of privileges. Privileges can be acquired in a threefold mode: **1.** by direct concession; **2.** by communication; **3.** by prescription or custom.[99]

1. No one can directly grant some privilege except he who has the power of making laws;[100] for a privilege is a private law, as was said above. Hence those things which are necessary for establishing laws are also required for the direct concession of privileges.[101]

2. By communication those privileges are acquired which are granted to some moral person or to some state, with which another moral person or institute has the so-called communication of privileges by force of some Pontifical indult. Among approved religious Orders there existed a most ample communication of privileges, and accordingly privileges which had been granted by the Supreme Pontiffs to one Order were by that very fact judged to be given also to other Orders; unless, however, in some particular case the Supreme Pontiff had expressly declared that the privilege granted was not communicable. For the future such communication of privileges among religious Orders is excluded.[102] - To treat of the communication of privileges pertains rather to canonists than to moralists. - In these most recent times the Roman Curia seems more and more to limit the communication of privileges.

3. By prescription or custom a privilege is acquired, just as by that means also some law is abrogated.[103] Hence those conditions are required for the acquisition of privileges which are necessary for the abrogation of some law.[104] Centenary or immemorial possession induces the presumption of a privilege granted.[105]

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[99] *Cod. iur. can.* c. 63.

[100] Certainly bishops also and other prelates having legislative power can grant privileges in their own laws, but according to modern discipline almost only the privileges of the Supreme Pontiff are of practical moment.

[101] Cf. above n. 143.

[102] *Cod. iur. can.* c. 613, § 1.

[103] Cf. c. 9, X, 1, 31; c. 26, X, 5, 40.

[104] Cf. below n. 275 sqq.

[105] *Cod. iur. can.* c. 63, § 2.

266. Interpretation of privileges. All those things are to be applied which above, n. 229 sqq., were said concerning the interpretation (and dispensation) of law. Generally it can be said: A privilege is worth as much as it sounds, or as the Code of Canon Law c. 67 says: "A privilege is to be estimated from its own tenor, nor is it permitted to extend or restrict it." But if some doubt arises, then privileges are to be interpreted broadly, if they are **a)** favorable, **b)** remuneratory, **c)** granted *motu proprio*, **d)** given to some Order or religious community, **e)** if they are contained in the Code of Canon Law. - But privileges are to be interpreted strictly, if they are odious.[106]

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[106] Ibid. c. 68.

267. Non-use of privileges. 1. Purely personal and favorable privileges, i.e., those which tend solely to the utility of the privileged person alone, can be freely renounced or not employed in practice, unless an obligation arises from another head.[107] The reason is that favors are not to be forced upon persons, nor ought they to be a burden. Hence, for example, an infirm priest, who cannot go out from home to celebrate and therefore has received the privilege of establishing a private oratory, is not bound to establish it, in order that on days of precept he may celebrate; indeed, if he has already erected an oratory, in rigor he is not bound,

according to some theologians, to celebrate there on those days, but is excused from celebrating Mass,[108] provided, however, that there is present a reasonable cause of not using the privilege.

2. Privileges which are favorable to a community, or which are granted to some state, cannot be licitly and validly renounced by an individual person.[109] Hence, for example, a cleric cannot for his own person renounce the privilege of canon granted to the clerical state;[109a] nor can a Religious renounce the privileges of his Order. The reason is that privileges of this kind in no way depend on the free choice of an individual man, and their renunciation or even non-use would tend to the detriment of the community. - Likewise a confessor having the privilege of absolving from reserved cases is bound to use it toward a penitent rightly disposed. For a penitent rightly disposed and confessed has a right to absolution, and accordingly the confessor is bound to absolve him, if he has the faculty of absolving. The matter is otherwise if the confessor judged that, by delay of absolution and the necessity of recurring to the superior, the penitent would be more efficaciously deterred from relapse. Then he can laudably abstain from the use of his privilege. But deservedly Lehmkuhl says:[110] "But in practice it can often be doubted whether such a remedy helps, since on the contrary it can harm."

3. By non-use a purely favorable privilege never ceases; but, after the time required for the prescription of laws has elapsed, a privilege which is opposed to the right of others ceases.[111]

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[107] Ibid. c. 69 and 72.

[108] Thus Noldin (*De princ.* n. 195) after Lehmkuhl (*Cas. consc.* I, n. 128 sqq.), who nevertheless rightly with St. Alphonsus (*Theol. mor.* l. 3, n. 324) limits this opinion to ecclesiastical law alone. For if such a priest for a long time could not celebrate Mass outside the house, but could at home, he would be bound to use his privilege, because by divine law he ought sometimes to celebrate or at least to hear Mass. Below II, 485, discussion of this matter will return.

[109] c. 12, X, 2, 2; c. 36, X, 5, 39. *Cod. iur. can.* c. 72, § 3.

[109a] *Cod. iur. can.* c. 123.

[110] *Cas. consc.* I, n. 132.

[111] *Cod. iur. can.* c. 76.

268. Cessation of privileges. Privileges from their nature (like laws) are judged perpetual,[112] but they can cease in many ways, for example, through revocation legitimately made by a superior, through renunciation by the privileged person accepted by the competent superior, through cessation of the cause on account of which they were given, through the death of the privileged person, through the complete destruction of the thing to which the privileges were attached, through abuse, through prescription made against them. - There is no leisure here to treat of all these, both because this matter pertains to Canon Law, and because in individual matters it is better to treat of the cessation of privileges. Especially concerning the revocation of privileges, concerning its possibility, quality, and extension, canonists discuss at great length and in many things do not agree.[113] Briefly we note the following:

1. Privileges which by force of a Concordat were granted to some kingdom are never judged revoked, unless this has been said in express words. For Concordats (at least those entered into recently between the Holy See and various governments) take on the character of a bilateral pact,[114] which indeed, alas, is not rarely violated by civil governments; but which is never injured in an undue mode by the Holy See. Accordingly the Holy See is not judged to revoke concessions made, unless this is expressly said. Therefore new laws do not revoke privileges granted by force of Concordats.[115]

2. According to the current discipline of the Roman Curia, every preceding privilege (granted outside a Concordat) is revoked if some contrary law is made absolutely and universally.[116] Hence, for example, by the

Decrees of the S. C. on Religious given on 3 February and 5 August 1913 concerning the confession of religious, all whatsoever previous privileges are judged revoked. Besides, for greater clarity and security new laws are accustomed to contain most general derogatory clauses, for example, "notwithstanding any privileges whatsoever, even those worthy of special mention." In ancient times some institutes and religious places obtained an Indult by force of which their privileges could never be revoked unless mention had been made of them word for word in the revocation. These indeed today seem to be obsolete (unless, however, there is question of liturgical law).

3. Real privileges cease through the absolute destruction of the thing or place; but local privileges, if the place is restored within fifty years, revive.[117] A personal privilege follows the person and is extinguished with him,[118] for example, the personal privilege of a domestic oratory.

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[112] Ibid. c. 70.

[113] See Joan. Crus, *De statu relig.* 2, c. 3.

[114] Cf. our *Manuale iur. can.* q. 24.

[115] *Cod. iur. can.* c. 3.

[116] Ibid. c. 4 and 71.

[117] Ibid. c. 75.

[118] Ibid. c. 74.

§ 4. On the Cessation of the Law Itself by Revocation and by the Cessation of the Total End

269. The law itself can cease in a threefold way: **1.** through revocation; **2.** through the cessation of the total end; **3.** through contrary custom. - Concerning custom there must be special treatment in the following paragraph. There remain in this paragraph a few things to be said concerning the revocation of law, and then concerning the cessation of the end.

270. Revocation of law by a superior can be made either totally or partially: **1.** through abrogation,[119] which is the total abolition of a law made by the legislator himself (or his successor or superior); **2.** through derogation,[120] which is a partial abolition or change made in the same way;[121] **3.** through subrogation, which is an addition to an already existing law; **4.** through obrogation, which is had if a law is removed by a contrary law.

Those who can make laws are likewise able to abrogate, derogate, subrogate, and obrogate laws, according to that adage: "A thing is dissolved by those causes by which it is born." Since the Supreme Pontiff is the supreme legislator in the Church, he can abrogate any merely ecclesiastical law, even if it was made by an ecumenical Council. Thus Pius X abrogated the celebrated decree *Tametsi*, which had been made by the ecumenical Council of Trent. - But all Prelates having ordinary jurisdiction in the external forum can abrogate not only their own laws, but also those of their predecessors.

The mode by which laws are abrogated or by which derogation is made from them is not always the same. Sometimes abrogation or derogation is expressly declared; sometimes new laws are substituted, through which previous laws are implicitly abrogated or derogated from. Concerning this implicit abrogation or derogation the rule holds: A later general law indeed derogates from or abrogates an earlier opposed general law, but not a particular law, unless this is expressly established. The reason of the first part is that opposed and contrary things exclude one another. The reason of the second part is that a particular law, as having from the

beginning been made as a certain exception of the general law, is judged to endure so long as it has not clearly and certainly been revoked.[122] It is established specially: "Any laws, whether universal or particular, opposed to the prescriptions of the new Code of Canon Law, are abrogated, unless concerning particular laws something else is expressly provided." "In doubt the revocation of a preexisting law is not presumed, but later laws are to be drawn to earlier laws and reconciled with them, insofar as it can be done."[123]

[119] Repeal of a legal prescription (*Aufhebung einer Rechtsvorschrift*).

[120] Alteration of a legal prescription (*Abänderung einer Rechtsvorschrift*).

[121] "Derogation is made from a law when a part is taken away; a law is abrogated when it is entirely removed" (l. 102 D. 50, 16). Cf. also *Fragmenta D. Ulpiani* I, 3.

[122] *Cod. iur. can.* c. 22.

[123] Ibid. c. 6, n. 1 and c. 23.

271. Cessation of the total end, or of the adequate motive cause, on account of which the law was made, produces the cessation of the law itself. The reason is that, when the total cause ceases, the effect also must cease.[124] Thus, for example, if a bishop prescribed a prayer for recovering the health of the king, when the king has died, by that very fact this prayer is to be omitted. - The end of the law can cease universally, particularly, contrarily, and negatively.

1. If the total end ceases universally, i.e., for the whole community, or even for by far the greater part of the community, the law itself ceases. The reason is that then the law becomes useless, indeed also harmful, and therefore null.

2. If the total end of the law ceases particularly, i.e., for some particular persons, a distinction is needed:

a) If such an end ceases contrarily, so that observance becomes harmful or too burdensome, the law itself ceases, or at least its obligation.[124a] The reason is that no positive law obliges with great inconvenience. But it would be a great inconvenience if in that case the law were still to oblige.

b) If the total end of the law ceases for some subjects only negatively, i.e., if observance of the law is indeed without utility, but also without great inconvenience, then the law does not cease. Thus the opinion to be held in practice.[125] The reason is that otherwise the sinew of discipline would be loosened, a broad gate would be opened to dangerous hallucinations, and the common good would be harmed. And truly, if each one could freely omit the observance of the law which seems useless to him, hallucinations would be inevitable and gradually the number would increase of those who from the same motive would neglect the law. Hence, for example, the law of matrimonial proclamations does not cease in that case in which someone knows with certainty that no impediment stands in the way of the marriage; the law concerning the prohibition of books, made for avoiding dangers arising from the reading of bad books, does not cease because someone firmly thinks that no danger threatens him from the reading of a proscribed book.

[124] Cf. *theol.* I, 2, q. 97, a. 2.

[124a] Cf. nevertheless those things which above, n. 233, were said concerning invalidating law.

[125] Cf. nevertheless St. Alphonsus, *Theol. mor.* l. 1, n. 199 and below II, 410.

§ 5. On the cessation of law through custom

On the Cessation of Law by Custom.[126]

Preliminary Note. For understanding more clearly the force of custom, we shall treat not only of abrogating custom, or custom causing the cessation of law, but also of obligating custom, or custom causing a new law. But we do not treat of merely material custom, which consists in the same acts repeated for a long time, for example, of the custom of committing the same sin.

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[126] Since modern civil legislators scarcely recognize the force of derogatory custom, here there is treated especially ecclesiastical customary law (cf. nevertheless Austrian Civil Code § 10; Spanish Civil Code a. 5; Swiss Civil Code a. 1).

272. Notion. Custom, as it is taken here, is a certain right or law introduced by the morals of the people with at least the tacit consent of the legislator; or, as is had in the Decree of Gratian:[127] "Custom is a certain right established by morals, which is received as law when law is lacking." This definition indeed is excellent, if it is rightly understood. For law can be lacking as to clarity, and then custom supplies *according to law*; or as to universality or extension, and then custom supplies *beyond law*; or finally as to utility, and then custom supplies *against law.*[128]

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[127] c. 5, D. I.

[128] Cf. Reiffenstuel, *Ius can.* l. 1, tit. 4, n. 6.

273. Note. Sometimes custom against law is confused with prescription against law, but not rightly. For good faith is required for legitimate prescription; but good faith is not always required for the value of custom. Conversely, for legitimate custom some consent of the legislator is required, as will be said below; on the contrary, for legitimate prescription no consent is required from him against whom prescription is made. There are also other differences between custom and prescription.[129]

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[129] Ibid. n. 235 sqq.

274. Divisions. Custom can be distinguished on the part of **1.** end, **2.** extension, **3.** cause or mode, **4.** duration.

1. On the part of the end, custom according to, beyond, and against law is distinguished. Custom according to law (*consuetudo inhaesiva*, or declarative custom) confirms and rightly explains an existing law. Concerning this, and concerning custom beyond law, that well-known adage holds, which is taken from Roman Law:[130] "For custom is the best interpreter of laws." Hence this custom is also called usual interpretation of law. - Custom beyond law is that which, in cases not expressly contained in the law, constitutes a new law conformable to the spirit of the existing law. By such custom there seems to have been first introduced the obligation of privately reciting the Divine Office incumbent upon individual clerics in major orders and religious of either sex solemnly professed. To this custom above all is applied the Isidorian definition brought forward above: a certain right which is received as law when law is lacking. - Custom against law is that which either never receives by use a law that has been made, or removes by contrary morals a law already received, and by long-standing use abrogates it or at least derogates from it. By this custom the Tridentine law concerning the annual convocation of a diocesan synod seems to have been abrogated.

2. By reason of extension, there is distinguished most general, general, special, and most special custom. A most general or universal custom is that which has been received in the universal Church. A general custom is called that which flourishes in a whole certain province. A special custom is that which flourishes in some city. A most special custom is that which is observed by some private persons or by some community which does not constitute a perfect society. This most special custom can never have the force of true law,[131] but after the likeness of some indult it perhaps confers certain subjective rights.

3. By reason of the cause or mode in which it was introduced, judicial and extrajudicial custom are distinguished. Judicial custom, which is also called forensic use, is that "which has obtained in judgment through several conformable sentences pronounced concerning the same kind of causes, i.e., when at least twice judgment has been given in like manner concerning similar causes in a contentious trial within ten years."[132] This custom indeed, if it is referred to the form of proceeding in tribunals and other dicasteries, is called the "style of the Curia"; but if it concerns the very matter of judicial sentences, it is called "the authority of things similarly judged" or jurisprudence. - Extrajudicial custom is that which is introduced by the morals of the Christian people.

4. By reason of duration, custom is usually distinguished as ordinary (or long), centenary, and immemorial. The first requires an existence of at least 40 years; the second supposes a duration of 100 years; the third is that whose memory of beginning does not exist among living men.

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[130] L. 32 D. I *De leg.* 3.

[131] *Cod. iur. can.* c. 26.

[132] Reiffenstuel, *Ius can.* l. 1, tit. 4, n. 18.

275. Requirements for legitimate custom. In order that custom produce a full legal effect, three things are required: **1.** suitable matter; **2.** a capable subject; **3.** the consent of the competent superior.

276. 1. The suitable matter of custom is a reasonable practice established by legitimate prescription. Hence it is customarily said briefly: Custom has the force of law if it is **a)** reasonable and **b)** legitimately prescribed.[133]

A custom is reasonable which truly promotes the common good. But a custom is judged unreasonable if it concerns something which cannot be introduced by written human law, namely: **a)** if it is contrary to natural or positive divine right.[134] Hence Gregory IX[135] said: "No one of sound mind understands that natural right ... by any custom whatsoever (which in this part is more truly to be called a corruption) can in any way be derogated from." **b)** If it breaks the sinew of discipline.[136] Hence, for example, all customs which weaken monastic discipline are invalid. **c)** If it provides license or occasion of sinning.[137] Reiffenstuel[138] deservedly observes: "Speaking in particular or in particular cases, whether this or that custom is reasonable or not, this is to be left to the judgment of a prudent judge.... But if, after all things have been weighed, doubt remains concerning the reasonableness of a custom, it will be presumed reasonable and expedient for the common good." It is self-evident that an already existing custom, which afterwards is expressly reprobated in law, is no longer reasonable and therefore loses every force.[139] The Code of Canon Law has reprobated several customs of this kind (namely 21). But whether those customs now reprobated can afterwards (with circumstances changed) again become legitimate does not seem to be denied.

Custom ought to be legitimately prescribed. For this legitimate prescription no determinate time is required if the tacit or express consent of the legislator ratifies it; otherwise, for legitimating a custom both against and beyond law, prescription through 40 continuous and complete years is required; indeed, if the law contains a clause prohibiting future customs, only a reasonable centenary or immemorial custom can prescribe.[140]

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[133] c. 11, X, 1, 4. Under the name of prescription required for legitimate custom nothing else is understood except sufficient duration and due consent of the legislator. Therefore this prescription is to be distinguished from that concerning which there will be discussion in the treatise on justice.

[134] *Cod. iur. can.* c. 27.

[135] c. 11, X, 1, 4; cf. also *S. theol.* I, 2, q. 97, a. 3 ad 1.

[136] c. 3 and 5, X, 1, 4.

[137] c. 9 and 10, ibid.

[138] L. c. n. 41 sqq.

[139] *Cod. iur. can.* c. 27, § 2.

[140] Ibid. c. 27, § 1 and c. 28.

277. 2. The capable subject of introducing custom is only a community upon which law properly so called can be imposed.[141] Wherefore a diocese, a religious Order, etc., can introduce custom, but not private persons or families, since these are not capable of law properly so called, but of a simple precept. Moreover it is required that custom be introduced **a)** by the greater part of the community; **b)** by repeated and spontaneous acts; **c)** with the intention of obligating itself or of rejecting some obligation. - Authors dispute whether, for introducing custom against law, good faith is required in those acting against a clear written law. The truer opinion seems to be this: If the prince knows and tolerates such a custom, although he could easily oppose it, then he is judged to consent to the abrogation of the written law, and the custom becomes legitimate with the passage of time. But if the prince is ignorant of this custom, or if he cannot contradict it without notable inconvenience, then the first transgressors of the law sin more or less according to their bad faith. But it cannot happen that gradually a great part of the people, by acting against the law, does not become of good faith. For if some positive law is neglected with impunity by a great part of the people, soon a common opinion will arise that such a law no longer obliges in conscience.[142]

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[141] Ibid. c. 26.

[142] Cf. Schmalzgrueber, *Ius can.* l. 2, tit. 26, n. 56 sqq. St. Alphonsus teaches absolutely that good faith is not required for custom, since custom can be made even by sinning (*Theol. mor.* l. 1, n. 107).

278. 3. Consent of the competent ecclesiastical superior is required in order that the morals of the community obtain the force of law. Thus all Catholics teach against the so-called "historical" school (Schulte, Sohm, Windscheid, etc.), which teaches that the efficient cause of customary law is the community alone, without any consent of the prince being required. Concerning the necessary consent of the prince, the Angelic Doctor teaches:[143]

"The multitude in which custom is introduced can be of a twofold condition. For if it is a free multitude which can make a law for itself, the consent of the whole multitude for observing something, which custom manifests, is more than the authority of the prince, who does not have the power of establishing law except insofar as he bears the person of the multitude; hence, although individual persons cannot establish law, nevertheless the whole people can establish law. - But if the multitude does not have the free power of establishing law for itself, or of removing a law placed by a higher power, nevertheless the custom itself prevailing in such a multitude obtains the force of law insofar as it is tolerated by those to whom it pertains to impose law upon the multitude: for by this very fact they seem to approve what custom has introduced."

From these words of St. Thomas it follows that in those kingdoms in which legislative power resides in assemblies elected by the people, custom (provided that it is reasonable) can arise without any consent of the prince. But since the Church is not such a kingdom, and ecclesiastical laws are established without the previous election or consent of the people, for every legitimate ecclesiastical custom the consent of the legislator or competent superior is required. Wherefore the Code of Canon Law c. 25 establishes: "Custom in the Church obtains the force of law uniquely from the consent of the competent ecclesiastical superior." This

consent indeed is either express, namely if the competent superior approves the custom in explicit words; or legal or juridical, namely if it is given through the law itself permitting the rise of reasonable customs; or tacit, namely if the superior is silent, although he can easily protest against the arising custom. - Present-day authors very commonly teach that any one of these three consents, really existing, suffices for establishing a legitimate custom.

[143] *S. theol.* I, 2, q. 97, a. 3 ad 3.

279. Effects of legitimate custom are three according to St. Thomas,[144] who says: "Custom both has the force of law, and abolishes law, and is the interpreter of laws." Concerning custom insofar as it is the interpreter of laws, nothing remains to be said. For those things hold which above, n. 229, were said concerning usual interpretation. A few things are to be noted concerning custom establishing and abrogating law.

[144] *S. theol.* I, 2, q. 97, a. 3 ad 3.

280. 1. Obligatory custom, or custom establishing a new law, today is rare. But in former times such customs produced new obligatory laws. Thus, for example, the law concerning the private recitation of the Divine Office and the matrimonial impediment of disparity of cult were introduced by customary law. - Custom, adorned with due qualities, can introduce any just law whatsoever, whether preceptive, penal, or invalidating. But the qualities required are: **a)** that the consent of the legislator be present; **b)** that the matter of the custom be agreeable to reason; **c)** that it be introduced by a perfect community; **d)** that the acts be exercised freely and not by coercion, and indeed with the intention of obligating oneself; **e)** that it proceed from due prescription, namely through 40 continuous and complete years.

281. 2. Abrogating custom (clothed with due conditions) can abolish an ecclesiastical law either totally or partially, as is manifestly taught in the Decretals of Gregory IX[145] and in the Code of Canon Law c. 27, § 1. Nor is there any ecclesiastical law which cannot be abrogated by a contrary reasonable custom. For the text of the Decretals is entirely universal. Hence even the disciplinary decrees of the Council of Trent[146] can be abrogated through reasonable custom, i.e., a custom clothed with the qualities enumerated above; indeed, some of those decrees truly seem to have been abrogated in some regions. But if some custom is expressly reprobated in law, it is not reasonable and therefore cannot abolish or establish law, unless, however, the conditions of things have been entirely changed. Hence, for example, a custom introducing a new matrimonial impediment or contrary to existing impediments is reprobated and is of no value.[147]

[145] "No one of sound mind understands that natural right ... by any custom whatsoever (which in this part is to be called corruption) can in any way be derogated from. Although also the authority of long-standing custom is not cheap, nevertheless it is not going to have force to such a degree that it ought to generate prejudice even to positive right, unless it has been reasonable and has been legitimately prescribed" (c. 11, X, 1, 4).

[146] Cf. Wernz, *Ius Decret.* I, 194.

[147] *Cod. iur. can.* c. 27, § 2 and c. 1041.

282. Cessation of custom. Since custom clothed with due conditions is true law, accordingly it ceases in the same mode in which written law can cease, namely through internal causes (through cessation of the matter and total cessation of the end) or through external causes, i.e., through contrary custom (c. 30), and especially through revocation made by the competent superior. Concerning this revocation the following things are noted briefly:

1. Universal custom is abrogated by a later contrary law, although it makes no mention of this custom. Hence, for example, if a bishop makes a law for his whole diocese, a contrary custom existing hitherto in his whole diocese is by that very fact abrogated.

2. A special custom of some place or institute is not abrogated by a supervening contrary general law, unless, however, the legislator expressly wishes to remove also that custom. Wherefore Boniface VIII says:[148] "Although the Roman Pontiff (who is judged to have all rights in the repository of his breast), by establishing a later constitution, is known to revoke an earlier one, even if he makes no mention of it; nevertheless, because he can probably be ignorant of the customs and statutes of special places and singular persons ... he is not understood to derogate in anything from them, provided that they are reasonable, through a constitution newly issued by him (unless this is expressly provided in it)." - Nevertheless a general derogatory clause, for example, "notwithstanding any custom whatsoever," or another similar clause, suffices for removing even special customs. Therefore the Code of Canon Law c. 5 establishes: "Customs presently in force against the statutes of these canons, whether universal or particular, if indeed they are expressly reprobated by the canons themselves, are to be corrected as corruptions of right, although they are immemorial, and they are not to be permitted to revive in the future."

3. An immemorial and centenary custom is not judged revoked unless the ecclesiastical legislator says in the derogatory formula: "notwithstanding any custom whatsoever to the contrary, even immemorial or centenary."[149] Wherefore such customs can be tolerated if Ordinaries, according to the circumstances of places and persons, judge that they cannot prudently be removed.[150] These things indeed hold especially in liturgical matters.

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[148] c. 1 in VI, 1, 2.

[149] Cf. St. Alphonsus, *Theol. mor.* l. 1, n. 109.

[150] *Cod. iur. can.* c. 5.

283. Scholion. On customary law in the practice of the confessor. For fuller doctrine concerning customary law, see the canonists. In the practice of the confessor, this matter concerning customary law, which is sufficiently intricate, ordinarily does not cause great difficulties. For since custom can obtain in ecclesiastical law alone (rarely in civil law), and no positive law obliges with grave inconvenience, the confessor can always direct himself and his penitents according to the practice of other men of timorous conscience, even if he himself cannot judge whether some custom in a particular case possesses all the conditions required for its legitimacy. For today it is impossible that a legislator should be ignorant for a longer time of the continual practice of timorous men against the law. But if nevertheless he does not protest, he is rightly presumed to approve such practice.

Article IX. On Civil Law and Its Obligation

284. Preliminary Note. Since man by his nature is a social animal (*zoon politikon*), and since he consists of soul and body, it is necessary that there be a twofold society of men: one spiritual (although visible), which above all procures the salvation of souls; the other corporeal, which specially and primarily intends earthly and bodily welfare. But in both societies it is necessary that laws exist, since no society can endure without laws. For the society procuring spiritual good, namely for the Church, ecclesiastical laws have been established, concerning which up to this point there has chiefly (although not uniquely) been discussion. But

for society and temporal good civil laws are given, concerning which it now remains to speak briefly, since it is of interest to the confessor to know whether and how far civil laws oblige in conscience.

Faculty of making civil laws. That civil authority has true proper legislative power is of faith and is established from many texts of Sacred Scripture, for example: "Through me kings reign and makers of laws decree just things."[151] Besides, concerning this matter enough has already been said above, n. 180.

[151] Prov. 8, 15; cf. Wis. 6, 8; Rom. 13, 1; 1 Pet. 1, 13.

285. Obligation of civil laws. "That Christians are held to the observance of civil laws, even if these have been made by unbelieving rulers, provided that these are not opposed to Christian religion and evangelical morality, there is no place for doubting; and the Apostle leaves no place for doubt, who, making no distinction among higher powers, says: *Let every soul be subject to higher powers: for there is no power except from God.... Therefore he who resists the power resists the ordinance of God: but those who resist acquire damnation for themselves.... Therefore be subject of necessity, not only on account of wrath, but also on account of conscience.*[152] From this most evident testimony it is manifest that those who hold supreme command in civil government can make laws for their subjects which oblige them even in conscience: reason also commends this for the public good, namely for warding off from civil societies the monster of anarchy, worse than dog and snake; and the illustrious examples of the first Christians commend it, who obeyed the civil laws of Gentile rulers so long as they could do this without loss of faith and good morals." Thus the Instruction of the S. C. de Propaganda Fide to the Vicar Apostolic of Siam, who asked whether a civil law forbidding the opium trade under penalty of death obliges in conscience.[153] - Therefore it is certain that civil laws, even those of unbelieving rulers, who perhaps thought nothing about imposing an obligation in conscience, can induce a true and indeed grave moral obligation in conscience.[154] Hence the opinion of a few theologians asserting that all modern civil laws are merely penal is entirely false, as though they have been made by legislators who are often unbelieving and care nothing about religion and conscience. - But I say that just civil laws can oblige in conscience; for it seems also certain that not all civil laws in reality directly oblige in conscience. For the common estimation of the people holds several civil laws as merely penal, for example, the so-called police laws (*Polizeiverordnungen*). Therefore, for discerning the value and moral obligation of civil laws, before all else the common estimation of the healthier part of the subjects is to be consulted; if they hold some law as merely penal, they seem to give a usual interpretation, which certainly is the best interpreter of laws and can safely be employed in practice. - Then it is certain and self-evident that no civil law obliges in conscience which is unjust, or which is opposed to religion and good morals. For such a law is not true law, but unjust tyranny or rebellion, since it wounds the right of the higher legislator, namely of God or of the Church. These two cases having been set aside, the following rules seem able to be established as directive norms:

[152] Rom. 13, 1 sqq.

[153] *Collect. de Prop. Fide* n. 815 (ed. 1907). Cf. Leo XIII, Encycl. *Diuturnum*, d. 29 June 1881.

[154] Cf. St. Thomas, *S. theol.* I, 2, q. 96, a. 4.

286. Rule 1. Just civil laws establishing rights or transferring ownership ordinarily oblige in conscience from true commutative justice and not only from legal justice;[155] and this even before the sentence of a judge.

The reason is that such laws are just, and without their observance the public good would be harmed and the peaceful cohabitation of citizens would be impossible. Moreover, such laws are nothing but just determinations of the natural law, which cannot determine all particular cases. Hence, for example, civil laws

which attribute to a possessor in good faith the ownership of fruits received from a thing of another possessed by him; which grant to a father the usufruct in the goods of children of the family; which designate to children the legitimate portion of inheritance; which attribute half of a treasure to the finder and the other half to the owner of the land; which permit an action for damage from juridical fault alone, etc., have force in conscience.

Rule 2. Invalidating civil laws oblige in conscience after the sentence of a judge.

Thus the more common and far more probable opinion.[156] For such judicial sentences are just, and accordingly they must be obeyed, just as a superior legitimately commanding must always be obeyed. Thus, for example, if a judge has declared some formless testament invalid, it must also be held as invalid in the forum of conscience. If a judge has declared any other merely civil contract invalid, for example, a purchase made by a minor, it is invalid also in the forum of conscience. - Before the sentence of a judge, such civil laws do not seem to induce an obligation in conscience, as was already said above, n. 215.[157]

Rule 3. In doubt concerning the moral obligation of some civil law, subjects directly do not sin by transgressing a law of this kind.

There are authors who wish to prove this rule from the famous adage: "A doubtful law does not oblige"; but because this adage is not admitted by all without restriction, hence the rule stated can be demonstrated from this, that the legislator is not judged to wish to bind the conscience of subjects unless he expresses this sufficiently clearly. For the end of civil law can often be attained without a direct obligation of the conscience of the subjects. In some regions concerning many civil laws one can rightly doubt whether there truly is an obligation in conscience. And therefore then no strict obligation is to be imposed.

Rule 4. Unless there is present a manifest violation of natural, divine, or ecclesiastical right, subjects can always follow the ordinances of civil laws even in conscience.

Therefore, although there is not always a strict obligation of following civil laws, nevertheless subjects can always, and that laudably, observe the statutes of a just civil law. Hence it is greatly to be advised that the confessor opportunely inculcate the observance of civil laws, and also that he conform his decisions, so far as he can, to the statutes of a just civil law.

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[155] Thus also Noldin, *De praecept.* n. 356; D'Annibale, *Summula Theol. mor.* I, n. 206; Marc-Raus II, n. 838.

[156] Cf. Response of the S. Penitentiary, d. 21 Jan. 1873, apud A. van Gestel, *De iustitia lege civili* (1896), n. LXV.

[157] Cf. A. van Gestel, l. c. n. LXXXVI.

287. The object of civil law is all external human acts leading to the temporal common good of the republic. Civil law cannot by its own authority establish anything concerning spiritual and ecclesiastical matters, just as it also cannot sanction spiritual penalties. - By several persons (Beccaria, Holtzendorf, Schleiermacher, etc.) the power of inflicting the death penalty is denied to civil law, but St. Thomas[158] and the most common opinion, confirmed by the example of all ages, attribute this power to civil law. Among Catholics almost Scotus alone[159] seems to contradict, judging that capital punishment cannot be inflicted except from God's dispensation. This opinion of Scotus, unless it is interpreted benignly, is rather rash;[160] hence already before the times of Scotus, Innocent III (in 1208) demanded from the Waldensians returning to the bosom of the Church that they declare: "Concerning secular power, we assert that without mortal sin it can exercise judgment of blood; provided that, in inflicting vengeance, it proceeds not from hatred but from judgment, not incautiously but with counsel."[161] - Besides, discussion of this matter will return below, where there is treatment of the bloody punishment of a malefactor.

Since there is a special difficulty how far the obligation of civil laws concerning taxes and military service extends, here it is useful to treat individually of those laws.

[158] *S. theol.* II-II, q. 64, a. 2; *Summa c. gentes* 3, 146.

[159] In 4, dist. 15, q. 3.

[160] Cf. Bannes, *Comm. in* II-II, q. 64, a. 2, concl. 1.

[161] Denz. n. 425.

§ 1. On civil law prescribing that taxes be paid

On Civil Laws Which Command Taxes to Be Paid.[162]

[162] Since it is impossible in a small Manual to treat broadly this matter, which is of such great moment, we refer the reader to authors who treat of this matter expressly, for example, Marres, *De iustitia* (1888), l. 2, n. 191 sqq.; Vermeersch, *Quaestiones de iustitia* (1901), q. 94-132; Klemens Wagner, *Die sittlichen Grundsatze bezuglich der Steuerpflicht* (1906); Franz Hamm, *Zur Grundlegung und Geschichte der Steuermoral* (1908); Rud. Amberg, *Die Steuer in der Rechtsphilosophie der Scholastiker* (1909).

288. Since civil government must make very great expenditures for the common good, for example, for the security of citizens, for the security of the fatherland, for schools, for public roads, etc., it has a strict right that, other revenues being lacking, citizen-subjects furnish sufficient subsidies for paying the necessary expenses for the common good. These subsidies indeed are called taxes, assessments, customs-duties, and by other similar names. Hence a tax can be defined: money which citizens ought to furnish from civil law precisely for this end, that satisfaction be made for the public expenses of the republic.[163] But under the name of money are comprehended any material things whatsoever, for example, wheat, fruits, animals, etc., which in some regions are furnished or in ancient times were furnished in place of coin for taxes.

Although a customs-duty is not rarely taken in the same sense as a tax, nevertheless it differs in some way. For a customs-duty is that which by modern names is called *Zoll*, *douane*, custom, and is money to be paid on account of merchandise brought into some kingdom or town. But a tax is a charge imposed upon persons or things, without attention being given to the transport of merchandise. Very many other names are found in the older authors to signify taxes or customs-duties, for example, contributions, exactions, tithes, assessments, prestations, tallages, forced services, excises, guide-money, passage-toll, etc. - That money which is sometimes imposed to be paid by those who pass over some bridge or street is not a tax, but a contribution for paying the expenses of the bridge or street.

[163] Cf. Vermeersch, l. c. n. 97.

289. Divisions of taxes. Today almost innumerable kinds of taxes exist, according to the diverse things from which taxes ought to be paid. But all those diverse species can quite fittingly be reduced to two categories, namely to direct taxes and indirect taxes. Direct taxes are called those which after individual intervals are exacted from a person designated by name, or which are immediately imposed upon the person, whether by reason of goods or by reason of art or business.[164] - Indirect taxes are those which are directly imposed upon things and are not paid at fixed intervals, but by reason of a change of rights, for example, through contracts of buying and selling, or through succession, or through transport, etc.[165] - In practice it is sometimes with difficulty discerned whether some tax is direct or indirect.

Obligation of taxes.

Preliminary Note. In moral theology there are few matters in which so great a diversity of opinions among theologians is found as in the question concerning the obligation of taxes. This diversity indeed seems to have arisen in some measure because at different times and in different regions the justice and reason of taxes is not the same. Certainly, when and where many taxes are imposed which are most manifestly unjust, there no or only a small moral obligation of paying those taxes is incumbent upon individual citizens. But wherever taxes are justly distributed and imposed, citizens are obliged in conscience to pay such taxes. We speak of taxes which are determined by a law made by a legislative body which is composed of deputies elected by the people. In all modern constitutional kingdoms it can in some true sense be said that the people themselves impose taxes upon themselves, namely by means of deputies elected by the people and establishing tax laws.

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[164] For example, land tax, income tax, business tax, etc.

[165] For example, inheritance tax, brandy tax, tobacco tax, customs-duties, etc.

290. General principle. Just tax laws oblige subjects in conscience.

Thus all Catholic theologians from St. Justin Martyr in the second century to our days, and it is manifestly drawn from diverse places of Sacred Scripture: Christ, after a coin was shown to him, says: "Render therefore the things which are Caesar's to Caesar, and the things which are God's to God," thus responding to the question of the Pharisees: "Is it lawful to give tribute to Caesar or not?"[166] - But what Christ taught by word, he confirmed by his example, ordering Peter to pay the tax.[167] St. Paul clearly inculcates the same doctrine: "Be subject of necessity, not only on account of wrath, but also on account of conscience. For therefore you also pay taxes; for they are ministers of God, serving unto this very thing. Render therefore to all their dues: to whom tribute, tribute; to whom custom, custom."[168] By these words of the Apostle two things are intimated: **1.** taxes are not to be paid only on account of wrath, i.e., on account of fear of penalty, but also on account of conscience; **2.** taxes are to be paid to rulers because they are ministers of God.

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[166] Matt. 22, 17-21.

[167] Matt. 17, 23-26.

[168] Rom. 13, 5-7.

291. Controversies concerning the proper character of taxes. The principle stated can also be proved from the very nature of taxes and of human society. Modern authors[169] indeed do not agree concerning the nature of taxes and depart especially into four opinions.

a) Some wish them to be an implicit contract (*Staatskontrakt*, equivalence theory) between the people and the ruler: the ruler procures many public advantages for the people, and therefore the people give taxes to the ruler on account of these advantages received.

b) Others, determining this contract more closely, teach that taxes are nothing other than an insurance premium (insurance theory), namely for the juridical protection of goods and persons.

c) Others then teach that taxes are exactions imposed by the ruler by force of high dominion, by which the ruler prevails over the goods of subjects. For the ruler can expropriate the goods of subjects for a grave reason for the public good, provided that he furnish sufficient compensation for the goods thus expropriated. But now in the exaction of just taxes the ruler acts on account of the public good and also furnishes sufficient compensation, namely both public security and manifold goods which from taxes are procured for all citizens.

d) Finally others call taxes real obligations, which follow from the very nature of human society (solidarity theory). For man by his nature is a social animal; hence he is inclined not only to entering domestic society, but also the society of the republic. But the members of any society ought also to bear its burdens. Moreover, in our times very few republics (for example, Monaco) can procure sufficient revenues for paying public expenses without the imposition of taxes. Therefore taxes are necessary for the preservation of the republic, and accordingly subjects are held in conscience to pay necessary and just taxes. Therefore the necessity of paying taxes follows from the very nature of human society.

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[169] Kl. Wagner treats of this matter, *Die sittlichen Grundsatze* etc., 20 sqq.; cf. also Amberg, *Die Steuer* etc., 13 sqq.

292. Restriction. There is no true obligation of conscience of paying taxes unless they are just. But for the justice of taxes three things are required: **1.** legitimate authority; **2.** a just cause; **3.** due proportion.

The legitimate authority of imposing taxes in our days is usually some body of deputies, as has already been said. By force of the privilege of immunity clerics of themselves are exempt from the payment of civil taxes,[170] but today either from Concordats or from at least the tacit concession of the Supreme Pontiff, clerics are no longer exempt from taxes to be paid.

The just cause of taxes is the true public good to be procured; and therefore from the very threshold those taxes are unjust which are employed against true religion or good morals. Today not a few taxes are very unjust; notably those which are exacted from Catholics for the support of heretical worship, impious schools, disordered luxury, etc.

Due proportion is required in imposing taxes upon individual subjects. But how this proportion is to be measured in practice, men skilled in national economy do not at all agree.[171] Before all else it is not established how great a part of taxes is to be received from direct taxes, and how great a part from indirect taxes. Generally it can be said that taxes are to be distributed according to the powers of individual citizens; but the powers are to be measured according to the revenues which remain to each one after the fitting support of himself and his own family. In practice it is morally impossible that individual citizens should truly be compelled to taxes strictly according to due proportion.

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[170] Cf. Council of Trent, sess. 25, c. 20, *de reform.*

[171] See some from the many modes of calculating the quota of taxes apud Vermeersch, *Quaestiones de iustitia* n. 104.

293. Diverse opinions concerning the quality of the obligation of taxes. Although all theologians concede that just tax laws in some way oblige in conscience, nevertheless they by no means agree concerning the very quality of that obligation. Four opinions can be distinguished:

1. The obligation of all just taxes arises from commutative justice, so that their defrauding induces a strict obligation of restitution. St. Alphonsus[172] calls this opinion most common and more probable, citing for it 23 authors, besides whom St. Antoninus and the Roman Catechism defend this opinion. Behold the words of St. Antoninus:[173] "Citizens who conceal their movable or immovable goods, or feign that they are worth less or that they have debts, so that less may be imposed upon them, commit theft and are bound to make satisfaction to the community." But the Roman Catechism[174] says: "In this crime of rapacity are included those who do not pay or who intercept and transfer to themselves the customs-duties, taxes, tithes, and other things of this kind which are owed to the rulers and magistrates of the Church." - The internal reason of this opinion is the implicit contract which is said to intervene between the ruler and the people. The ruler tacitly or expressly promised to administer the republic according to his powers and to procure the common good of the citizens;

but the citizens at least tacitly promised that they would furnish the taxes necessary for satisfying all just expenses. Therefore if citizens do not pay just taxes, they injure this contract entered into and accordingly also commutative justice.[175] Then the same opinion can be proved by an indirect argument, namely: Just civil taxes oblige subjects in the same way as ecclesiastical taxes or tithes.[176] But just ecclesiastical taxes oblige from commutative justice; which indeed is commonly admitted by theologians. Therefore the same must be said of just civil taxes.

2. The obligation of all taxes arises from legal justice alone. This opinion does not seem to have been known in ancient times, but it pleases many modern authors, for example, Lehmkuhl,[177] Vermeersch,[178] Simar,[179] Wagner,[180] Waffelaert,[181] Mausbach,[182] Schindler.[183] Nevertheless some of these authors teach that an obligation of commutative justice is present if the quota of taxes has already been rightly and justly determined in a particular case. This limitation indeed is of little practical utility in our regions. For if taxes, whether direct or indirect, have once been determined in a particular case, they can scarcely be defrauded except by corrupting government officials. But such corruption, with almost all agreeing, injures commutative justice. Besides, if taxes have once been determined, they are customarily exacted with the greatest severity, so that defrauding is almost impossible. Therefore the question is not concerning the payment of taxes already assessed for an individual man, but concerning the obligation of paying taxes to be assessed according to an existing just law.

3. All laws of civil taxes are penal laws. This opinion was entirely unknown in ancient times. The first who in some measure defended it was Angelus Carletus (d. 1495) in his *Summa Angelica.*[184] Against him Sylvester Prierias, O. Pr. (1460-1523), fought vehemently.[185] In our times Biederlack,[186] Crolly,[187] Genicot,[188] Berardi,[189] Noldin,[190] etc., favor this opinion. Authors collect many reasons for this opinion: **a)** the common estimation of the people holds tax laws as merely penal, so that no one even of timorous conscience thinks himself held to restitution if he has defrauded taxes; **b)** modern legislators care nothing about obligation in conscience, and the enormous penalties which they inflict upon those defrauding taxes show clearly enough that tax laws are merely penal; **c)** if tax laws bound the consciences of subjects, then timorous men would be of a worse condition than impious men, who, since they care nothing about moral obligation and defraud taxes according to their powers, would cause great prejudice to timorous men, imposing upon them the taxes defrauded by themselves. - Each one easily understands that these reasons are not convincing.

4. Laws of direct taxes oblige directly in conscience; but laws of indirect taxes are merely penal. Thus after Ballerini[191] a great part of modern theologians. The principal reason is the common estimation of the people, who in no way thinks that he sins if he defrauds indirect taxes, at least if habitual commerce does not arise from such defrauding.

In so great a number of opinions the truth is not easily discerned. Theoretically the first opinion seems to be preferred, both on account of the weight of authors and especially of Sacred Scripture and on account of internal reasons. For without the payment of just taxes social life today is very often truly impossible. Then, for taxes paid, most precious goods are given to citizens by the government: internal and external peace, streets, railroad, post, etc. All these things indeed are not judged to be granted gratis. Therefore if citizens do not pay taxes which are certainly just and nevertheless accept the benefits of government, they seem to commit a true violation of commutative justice.

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[172] *Theol. mor.* l. 3, n. 616. Aertnys-Damen X 1, 831, embraces St. Alphonsus's opinion, but Marc-Raus II, 967, does not.

[173] *S. theol.* P. 2, tit. 1, c. 13, § 3; cf. also P. 3, tit. 8, c. 4, § 5.

[174] Part 3, c. 8, q. 8.

[175] Billuart, *De iust.* diss. 9, a. 7, § 2, excellently develops this reason.

[176] Cf. St. Thomas, *S. theol.* II-II, q. 87, a. 1.

[177] *Theol. mor.* I, 1170.

[178] *Quaest. de iust.* n. 106. In the work published afterwards, *Theol. mor.* II, n. 567, this author seems to teach that tax laws are rather penal laws.

[179] *Lehrb. der Moraltheol.* (1893), 368.

[180] *Die sittl. Grundsatze bezugl. der Steuerpflicht* 79. Nevertheless this author (p. 87) proposed the thesis: "Whoever neglects to pay a tax commanded in a just manner is indeed, toward the State (or generally toward the public community), not bound with respect to the unpaid tax to restitution in the proper sense; but there rests upon him in this respect simply the duty of subsequent tax payment, insofar as the State legally insists upon this subsequent payment, whether the nonpayment of the tax is 'malicious,' and therefore an actual so-called tax-defrauding, or not." Cf. also ibid. p. 96, the case of Titius. How this thesis coheres with an obligation of paying taxes from legal justice alone is difficult to understand.

[181] *Tractatus de virt. card., de iust.* n. 420 sqq.

[182] *Kath. Moraltheol.* III, 5 § 3.

[183] *Lehrb. der Moraltheol.* III, 829.

[184] s. v. *pedagium.*

[185] *Summa* s. v. *gabella.* Cf. Fr. Hamm, *Zur Grundlegung und Geschichte der Steuermoral* 217, where this matter is well treated.

[186] *De iust. et iure* (1891), n. 103; *Innsbrucker Quartalschrift* 1899, 164.

[187] *Disp. theol. de iust. et iure* III, n. 1010-1023.

[188] *Theol. mor.* I, 574.

[189] *Prax. confess.* (ed. 3) II, n. 413, and III, n. 57.

[190] I could not clearly perceive the mind of this distinguished author; *de praeceptis* n. 316 teaches: "tax laws which regard direct taxes in our regions of Austria and Germany seem to be preceptive from legal justice"; n. 476 the author seems to hold tax laws rather as penal.

[191] *Opus theol.* I, n. 327. Noldin (*De praeceptis* n. 316) simply asserts: "Laws which regard indirect taxes are merely penal laws."

294. In practice the following things are to be considered:

a) In modern states no small part of taxes is certainly unjust, both because taxes are applied for impious things, for example, for false worship, for wicked schools, etc., and because taxes are not justly distributed according to the powers of each subject. But no one is held to pay unjust taxes.

Therefore those subjects who have made moderate defraudings of such taxes are not to be disturbed. Hence in not a few kingdoms a penitent who has defrauded only a third part of all his taxes cannot be obliged to restitution, even if the matter thus defrauded is grave in itself. But restitution, if any is to be made, can be made not only to the Treasury, but also to the poor or to pious causes, since the republic certainly ought to provide for these.

b) Defrauders of indirect taxes ordinarily can be treated more mildly than defrauders of direct taxes. The reason is that a sufficiently common modern estimation both of theologians and of the people holds laws concerning indirect taxes as merely penal. Not rarely also those indirect taxes rather unjustly burden citizens or even foreigners. Accordingly, restitution of profit taken from indirect taxes defrauded is indeed sometimes to be advised, but it does not seem to be imposed so strictly, unless, however, there is question of enormous

defrauding made by some merchants, for example, in saccharin, as will be said below under **d)**. Even timorous men do not think that they sin when they have not paid moderate customs-duties, at least if there is question of things destined for one's own use; for example, if someone does not pay a customs-duty for a moderate quantity of tobacco brought in for his own use.

c) Exactors of taxes by office sin gravely, indeed are held to restitution, if they knowingly favor defrauders in grave matter. For they gravely injure the contract entered into in taking up their office, namely the contract of faithfully fulfilling the office undertaken. Likewise all those who corrupt exactors so that they do not exact due taxes sin gravely and are held to restitution as unjust cooperators.[193]

d) Those who deliberately and as though by way of commerce commit defraudings of taxes, for example, in the importation of saccharin, tobacco, silks, etc., are accustomed to sin gravely, because they expose themselves to the greatest dangers and employ very illicit means. They also seem to be held to restitution, both they themselves and their effective cooperators, for example, brokers, buyers of merchandise thus defrauded, especially if by continued defrauding of merchandise they have caused notable damage to other merchants. For other merchants have a strict right that from the violation of civil law grave prejudice not be inflicted upon them.

e) "Generally speaking (i.e., excepting the case named under **c**) concerning all customs-duties, Lugo with Molina thinks that peoples are to be admonished to pay taxes; but after the deed they are not to be compelled to restitution of the tax defrauded, if they probably persuade themselves that in so great a multitude of customs-duties they have paid something unjust or have contributed competently to public necessities." Thus St. Alphonsus.[194]

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[193] Cf. Marc-Raus, *Inst. mor.* I, 968.

[194] *Theol. mor.* l. 3, 616.

§ 2. On the civil law which commands military service to be performed

295. The civil law concerning military service to be performed obliges per se in conscience, because military service is necessary for the defense of the fatherland. Military service seems to be nothing other than a personal tax, or, as others say, a tax of blood.

By accident such a law does not oblige, namely **1.** if it is unjust, for example, if even clerics are compelled to serve as soldiers, or **2.** if soldiers are compelled to fight in a manifestly unjust war. Modern theologians teach rather commonly that the law concerning military service to be performed is neither merely penal nor obliges from commutative justice, but from legal justice alone.[195] But in three cases this law obliges from commutative justice, namely: **1.** if someone freely and by contract has enrolled himself in military service; **2.** if someone by his own deceitful withdrawal has caused that another determinate citizen be compelled to serve as a soldier; **3.** if he has corrupted physicians or other officials by gifts in such a way that he is declared unfit for military service. But in this last case there is not always a certain injury of commutative justice, as will be said below in n. 298.

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[195] So also Bouquillon, *Theol. fund.* n. 226; Gopfert, *Moraltheol.* II, 184, and others.

296. Fuller explanation. 1. Without any doubt there lies upon public authority the burden of defending and preserving the republic. But since from the beginning of the world even to our days that defense cannot be had sufficiently without soldiers, public power is bound to procure soldiers; and this indeed can be done by

hiring or by conscription. Which method is more suitable depends on many circumstances. The hiring of soldiers still exists today in few regions (*Fremdenlegion*), and it is often an insufficient method, at least for great kingdoms. - The hiring of soldiers is an onerous contract, and therefore concerning its conditions and injury all those things hold which hold concerning other contracts of hiring. Hence a hired soldier is bound to restitution if he abandons the military service undertaken without serious reason. But he does not abandon the military service undertaken without serious reason, but licitly, if contrary to the stipulations entered into he is treated badly, or if urgent dangers of religion and morals threaten him. - The conscription of soldiers is universal or partial. In universal conscription all suitable young men ought to undertake military service, but in partial conscription only a part of the suitable young men is chosen. When partial conscription is in force, it is sometimes permitted that a young man conscripted for military service substitute another in his own place, a price having been paid. Such a substituted soldier is a hired soldier, and therefore the same things hold which were said above concerning the hiring of soldiers.

2. Rigorously universal conscription, which exempts from military service absolutely no young man physically fit, is unjust. For both ecclesiastical and natural law are then injured: ecclesiastical law indeed, which forbids clerics and religious to perform military service,[196] and natural law, which commands that sons be bound to support parents existing in grave necessity. Moreover, if any young man whatever is bound to serve in the military for a long time, it happens that parents oppressed by poverty and infirmity lack the necessary assistance of their sons.

3. Universal conscription which nevertheless exempts clerics and sons who are absolutely necessary for the support of parents is per se a just law. For military service is, as it were, a personal tax or tax of blood necessary for the common good (cf. above). But just as all citizens endowed with fortune are obliged to real taxes, so all citizens fit in bodily constitution and not exempt by a higher law are bound to the personal tax of military service. Nor should anyone say that the number of soldiers is excessive, for no private man can prove this assertion with certainty, since he does not know sufficiently the true dangers which threaten the republic from other kingdoms. By accident forced military service is unjust, namely if grave scandal against religion and good morals is offered to soldiers.

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[196] *Cod. iur. can.* cc. 121, 141, § 1, 188, n. 6.

297. 4. The law concerning universal or partial conscription seems to oblige from legal justice, but it is not a merely penal law. Genicot[197] and Aertnys[198] teach that laws by which citizens are commanded to provide military service are in most regions merely penal. But Vermeersch[199] says: "The persuasion of the people itself sometimes, as in Belgium, is inclined to hold laws of this kind as merely penal, while elsewhere an opinion which denies a direct obligation of conscience offends the minds of the pious. Now custom is the best interpreter of laws. Therefore we think that in his own region each one ought to consult approved authors of his own country, and cautiously accept what is defined in this matter by foreigners." These things indeed are true, if it is really established concerning the common persuasion of the people. Otherwise, however, the presumption stands for an obligation of legal justice.[200] For just as we did not recognize the law of taxes as a merely penal law, so similarly it seems one must say concerning military conscription. For on both sides there is the same reason, namely the necessity of the republic. Hence, just as an obligation of restitution does not easily arise from defrauded taxes, so a fortiori nothing per se is to be restored if someone illicitly withdraws himself from military service. But I say per se, because by accident an obligation of restitution can arise, as will be said below. - The reasons which are brought forward to prove that the law of conscription is a merely penal law, indeed that it does not oblige in conscience, do not seem to be solid. For they say: **a)** Conscription is

not necessary; the hiring of soldiers suffices, as in the Middle Ages. - With almost the same right someone could say that modern weapons of war are not necessary; the weapons used in the Middle Ages suffice. **b)** By military service the most dangerous burden of forced celibacy is imposed on young men, which is against natural right. - The answer is: forced perpetual celibacy is indeed against natural right; but by no means so, if the compulsion is only temporal. Otherwise six hundred other offices which require temporal celibacy would be against natural right. **c)** In this personal tax the proportion among persons is not preserved, since only families having young men suitable for military service must undergo so grave a burden. - The answer is: with the same right the rich can call direct taxes unjust, since these burden only possessors themselves, while the poor remain free. Certainly all personal and real taxes are to be distributed equally among individual citizens, but it is altogether impossible to avoid every hardship and inequality of burden. Therefore taxes are not immediately to be called unjust if they seem to burden one somewhat more than another.

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[197] *Theol. mor.* I, 576.

[198] *Theol. mor.* I, n. 836. The new editor Damen mitigates this opinion somewhat, saying: "By accident today, unless the mind of the legislator is otherwise established, it seems to be a purely penal law." Noldin (*De praec.* n. 320) asserts: "The opinion affirming that in most regions military laws, especially where universal conscription is in force, are merely penal laws, does not seem improbable."

[199] *Quaest. de iust.* n. 127.

[200] Cf. Lehmkuhl, *Theol. mor.* I, 1175.

298. 5. In kingdoms where universal conscription is in force, fraudulent withdrawal from military service does not oblige to restitution. The reason is that legal justice alone is injured,[201] but not commutative justice. For: **a)** no real damage is inflicted upon the republic, because sufficient soldiers remain for the defense of the fatherland, since the case in which, because of the withdrawal of one or another soldier, the security of the fatherland is truly endangered seems almost impossible. **b)** Nor is injury done to other citizens, since all who are suitable are compelled to military service, and no one is substituted if another has withdrawn himself. - Whether an obligation of restitution arises if someone has corrupted a physician or other officials and so has been freed from military service is controverted. Several authors affirm it, because he has cooperated in the injury of commutative justice which that unfaithful physician or official committed because of his office badly fulfilled. Thus Aertnys.[202] Other authors, such as Lehmkuhl,[203] Gopfert,[204] even in this case excuse such corrupters from the obligation of restitution, because notable damage has been caused neither to the republic nor to other conscripted soldiers. This second opinion seems more probable if truly no damage has arisen from the corruption, as almost always happens in universal conscription. But the matter stands otherwise in partial conscription.

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[201] If a soldier leaves the military service to which he obligated himself by oath, the virtue of religion also is injured (cf. below II, 451).

[202] *Theol. mor.* I, n. 837. The new editor Damen seems to have changed this opinion.

[203] *Theol. mor.* I, 1177.

[204] *Moraltheol.* II, 184.

299. 6. In kingdoms where partial conscription is in force, so that from all suitable young men those who are bound to serve in the military are determined by lot, fraudulent withdrawal more probably is not only illicit, but also induces an obligation of restitution toward him who is then unjustly compelled to military service. Thus Marres,[205] Bucceroni,[206] Berardi,[207] Tanquerey,[208] and authors commonly, while some contradict, for example, Vermeersch,[209] Ballerini,[210] Ballerini-Palmieri,[211] Lehmkuhl.[212] We suppose that the law of

conscription is not manifestly unjust; likewise we suppose that the young man has not emigrated from the kingdom in which he ought to have served. For in these two cases the withdrawal would not be fraudulent but legitimate. But in other cases, when a conscripted young man has withdrawn himself from military service to be performed, whether by falsely alleging disease or by mutilating himself or by corrupting physicians or officials, he truly is not only the occasion but the efficacious cause that another young man exempt by lot is now unjustly compelled to military service. And truly that other young man is deservedly and reasonably unwilling to be compelled in this way to undergo a grave burden by the illicit action of another. Therefore there seems to be present a true injury of commutative justice and consequently an obligation of restitution. Gury, who calls this opinion more probable, concludes in these words:[213] "Whatever may be the case, in practice it will be most wise, even in the first [i.e., in this] opinion, not to urge very strongly young men who have freed themselves from military service by the aforesaid means. For most think that injustice is by no means committed, and otherwise they would rarely obey admonitions." - Moreover, in our times this partial conscription has almost everywhere been changed into universal conscription, in which a strict obligation of restitution from fraudulent withdrawal does not seem to be present, as was said above.

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[205] *De iustitia* n. 225.

[206] *Inst. Theol. mor.* II, 1386.

[207] *Prax. Confess.* II, n. 418.

[208] *De iustitia* n. 566.

[209] *De iustitia* n. 130.

[210] Note in Gury, *De iustitia* I, n. 749.

[211] *De iustitia* n. 184.

[212] *L. c.* I, n. 1176-1177.

[213] *L. c.*

300. 7. Soldiers who, having already been legitimately enrolled in military service, flee away (especially in time of a just war), sin gravely, because **a)** they expose themselves to most grave and most disgraceful penalties, for example, death, spoliation of all goods, etc.; **b)** they gravely injure legal justice or even commutative justice (if they had been freely hired); **c)** they give a very bad example to others. Nevertheless the confessor ordinarily should not impose on them the burden of returning to the camps, since deserters of this kind are neither accustomed to obey nor strictly bound to return because of the most grave penalties threatening them. For no one ought freely to suffer such grave penalties.

Tract IV. On Conscience

Cf. St. Thomas, *S. theol.* 1, 2, q. 19; *Quaest. disput. de verit.* q. 17; St. Alphonsus, *Theol. mor.* l. 1, tract. 1. The Holy Doctor rightly notes beforehand that this tract was worked out by him with special study; Brocardus a S. Nicolao, Order of Carmel, *De conscientia* (Migne, *Curs. theol.* XI 65 sqq.); Billuart, *De conscientia*; Reg. Beaudouin, O. Pr., *Tractatus de conscientia*, Tournai 1911; H. Simar, *Das Gewissen und die Gewissensfreiheit*, 10 lectures, ed. 2, Freiburg 1902; Noldin, *Sum. theol. mor. de principiis* l. 4; Bouquillon, *Theol. fund.* n. 253-317.

After it has been said concerning laws, which are the external rule of morality, it is now necessary to treat the internal rule according to which all human acts ought to be directed, namely conscience, which is the application of laws to particular cases. The old scholastics of the thirteenth century treated this matter very briefly. But after disputes concerning Probabilism arose, the tract on conscience was amplified by no small amount. We shall proceed in the following order: **1.** concerning the notion and division of conscience; **2.** concerning true and erroneous conscience; **3.** concerning lax conscience; **4.** concerning perplexed and scrupulous conscience; **5.** concerning certain and doubtful conscience; **6.** concerning the various moral systems; **7.** concerning the education of conscience.

Chapter I. On The Notion And Division Of Conscience

Article I. On The Notion Of Conscience

301. Notion. The name conscience is used in diverse ways. Its principal significations are the following:

1. The common knowledge of several persons. (*Mitwissen.*) In this sense Cicero uses the word conscience, saying: "Do you not see that your conspiracy is now held bound by the consciousness of all these men?"[1]

2. The act by which our soul perceives its own affections. (*Bewusstsein.*) This perception has for its object either sensitive actions (sensitive consciousness or common or intimate sense[2]) or intellectual actions (intellective consciousness). Each kind of conscience is called psychological conscience,[3] concerning which philosophers treat.

3. Notice or memory. In this sense St. Paul writes: "By the manifestation of truth commending ourselves to every conscience of men before God," and again: "But I hope that we are manifest also in your consciences."[4]

4. An innate readiness for knowing the first moral principles. This acceptance of conscience is not to be recommended, because this innate readiness is better called with the scholastics *synteresis.*[5] It can more easily be admitted that conscience is a certain habitual knowledge of moral obligations (*Gewissensanlage*); in this sense we speak of a tender, scrupulous, lax conscience, etc., having before our eyes a certain habit or state of soul.

5. The judgment of the practical intellect, dictating from common principles concerning the goodness or malice of some act to be done by us (or already done). This is moral conscience; it is elegantly called the knowledge of the heart, and concerning it we shall now treat in this whole tract. The individual parts of this definition are explained:

It is said, **1°**: *judgment*, because conscience is not a power nor a habit, but an act,[6] which indeed is elicited by the power of the intellect through the mediation especially of the habit of Christian prudence. For conscience

is nothing other than the application of science or knowledge to some particular fact. And this application of science is a judgment. Moral conscience performs two things, namely, before action (through a judgment concerning its goodness or malice) it urges one on to good and deters from evil; after the action has been perpetrated it punishes the evil action with remorses, which in Sacred Scripture are called the "worm" (of conscience); but a good action it rewards with spiritual joy and the sweet peace of the soul. All these functions, however, are acts and not habits or powers.[7]

In vernacular languages conscience signifies habit rather than act, and therefore there is speech about a habitual conscience that is scrupulous, tender, lax, etc., as was already said above in n. 4. Hence one must attend lest confusion arise.

It is said, **2°**: *of the practical intellect.* The subject of conscience is not the will (as Henry of Ghent and others think, especially Protestants), but the intellect, and this as practical. For the act of conscience is not volition or nolition, nor a mere speculative apprehension, nor a suspension of assent, nor an opinion, but a practical dictate concerning some particular act either to be done by us or already done. Hence, for example, conscience does not judge concerning speculative truths, as for instance concerning the Trinity, concerning the validity of the sacraments, etc.

It is said, **3°**: *dictating from common principles.* For conscience supposes and ought to suppose as true the common principles either of faith or of natural reason, and applies them to the particular case. Therefore conscience by no means judges concerning the natural or divine law itself, but only judges whether an act to be done by us or already done is conformable to existing just laws. It also follows that conscience is by no means autonomous (as Kant and his followers will), and that that liberty of conscience proclaimed by many moderns is false, which would be an altogether independent arbiter of good and evil.[8]

It is said, **4°**: *concerning the goodness or malice of some act to be done by us (or already done).* For conscience is the subjective rule of morals. For whatever is judged by conscience as conformable with just laws is a subjectively good act, or at least not evil; but whatever is estimated as discordant from law is subjectively evil, although perhaps taken objectively it has nothing of evil.[9] - The proper and primary office of conscience is to judge concerning an act to be done by us; for conscience is the rule of acts to be done by us. Consequently, however, it also pertains to conscience to judge concerning an act already perpetrated by us, as is clear from the words of St. Thomas cited above. In this sense in the Epistle to the Romans 2, 15 conscience is said to render testimony to man, their thoughts among themselves accusing or also defending.

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[1] *Oratio 1 in Catilinam* 1, 1.

[2] Cf. *S. theol.* 1, q. 78, a. 4 ad 2; Zigliara, *Sum. Phil. critica* l. 2, c. 1, a. 3.

[3] Cf. *S. theol.* 1, q. 79, a. 13. In this article the Angelic Doctor excellently describes both psychological and moral conscience: "Conscience is said to bear witness, to bind or urge on, or also to accuse, or also to gnaw with remorse or reprove. And all these follow upon the application of some knowledge or science of ours to those things which we do. This application indeed takes place in three ways: in one way according as we recognize that we have done or not done something, ... and according to this conscience is said to bear witness. [Behold psychological conscience.] In another way it is applied according as through our conscience we judge that something is to be done or not to be done; and according to this conscience is said to bind or urge on. [Behold antecedent moral conscience.] In a third way it is applied according as through conscience we judge that something which has been done was done well or not done well; and according to this conscience is said to excuse or accuse or gnaw with remorse." [Behold consequent moral conscience.]

[4] 2 Cor. 4, 2; 5, 11.

[5] Cf. *S. theol.* l. c.

[6] *S. theol.* I, q. 79, a. 13.

[7] To the point the Angelic Doctor writes excellently: "According to the mode of application by which knowledge is applied to an act, so that it may be known whether the act is right or not, there is a twofold way: one, according as through the habit of science we are directed toward doing or not doing something. In another way, according as an act, after it has been done, is examined according to the habit of science, whether it is right or not right. ... But according to each mode of application we use the name conscience. For according as science is applied to an act as directing it, according to this conscience is said to urge on, or induce, or bind; but according as science is applied to an act by way of examination of those things which have already been done, so conscience is said to accuse or gnaw with remorse, when that which has been done is found to disagree with the science according to which it is examined; but to defend or excuse, when that which has been done is found to have proceeded according to the form of science." *De verit.* q. 17, a. 1.

[8] Cf. Pius IX, *Syllab.* prop. 3, 4, 56, 57.

[9] Cf. below n. 302 at the end and 307 sqq.

302. Scholion. On the difference between conscience, synteresis, moral science, prudence, and natural law. In order that the definition of moral conscience may appear still more clearly, it is helpful to compare it with synteresis, moral science, prudence, and natural law.

Synteresis[10] is the habit of the first moral principles, whose act is to dictate in general that good is to be done and evil omitted, or, as Blessed Albert the Great[11] says: "Its act is twofold, namely inclination to good and murmuring against evil." But it belongs to conscience to judge in a particular case what is to be done or omitted. Conscience can err, but synteresis never can.[12] Synteresis is beautifully named by St. Jerome and especially by the scholastics of the thirteenth century the "spark of conscience," the "little fire"; for synteresis is as it were a little fire kindled by the Creator Himself in our intellect; a little fire derived from the divine light itself according to that word of Psalm 4: "The light of Thy countenance, O Lord, has been signed upon us"; a little fire shining and burning: shining and showing the general principles of morals; burning, that is, impelling to good and drawing back from evil. But this spark is never extinguished, neither on this earth, when man becomes foul in sins, nor in heaven, nor in Gehenna. Hence St. Thomas[13] says: "The spark of reason cannot be extinguished while the light of the intellect remains; but the intellect is never taken away through sin." This synteresis remaining in the damned is the primary cause of the so-called "worm," which does not die; for it always murmurs against the evil perpetrated and impels to good, which nevertheless because of the obstinacy of the evil will is also always rejected.[14]

Moral science deduces from principles objective conclusions, which are its proper object; but conscience is something altogether subjective, which can agree or disagree with moral science. Therefore in some men there is moral science rather great with a depraved conscience; but in others there is an excellent conscience with rather small moral science.

Prudence is a virtue and therefore a habit; but conscience is an act, as has already been said. There are three acts of the virtue of prudence, namely to take counsel, to judge, to command.[15] The act of prudence which is to judge coincides with right conscience, to which it also belongs to judge concerning an act to be done or already done; but the act of prudence which is to command is antecedent conscience.

Natural law is a participation of the eternal law in a rational creature and therefore includes the objective principles of morality; but conscience applies these principles in order to judge concerning an act to be done or omitted. - St. Thomas briefly gathers this whole doctrine, saying: "It is clear how synteresis, natural law, and conscience differ; because natural law names the universal principles themselves of right; but synteresis names the habit of them; and conscience names a certain application of natural law to something to be done by way of a certain conclusion."[16]

Note. Although conscience differs from the enumerated norms, nevertheless it depends on them, because each one of them concurs in forming it; this becomes clear in this way: Synteresis proposes a general principle, for example, every moral evil is to be avoided. Moral science and natural law teach that fornication is something morally evil and therefore to be avoided. Then prudence adds: the action which here and now is proposed to be done is truly fornication. Finally conscience dictates that this action is absolutely to be avoided. From these things it appears that nothing prevents the judgment of conscience from being called the conclusion of a certain syllogism, in which synteresis and the other things are after the manner of premises. Therefore St. Thomas says:[17] "Conscience is completed as by a certain particular syllogism."

Conscience thus described is the subjective rule to which human actions are to be conformed; for it is as it were the herald or voice of God, intimating and applying the divine law to us. This indeed is beautifully expressed by St. Bonaventure:[18] "Conscience is like God's herald and messenger; and what it says, it does not command from itself, but commands as from God, just as a herald when he publishes the edict of a king." Hence it also follows that we must always follow conscience clearly commanding. Therefore Innocent III[19] says forcefully: "Whatever is done against conscience builds toward Gehenna"; and St. Thomas[20] teaches: "Every will discordant from reason, whether right or erring, is always evil, so that he who acts against conscience sins." But I said: that man is bound to follow conscience clearly commanding; for if conscience does not command, but only counsels, or if the command is not so clear, as is accustomed to happen in the scrupulous, then the dictate of conscience does not oblige in that way.

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[10] Authors do not agree whether *synderesis* or *synteresis* should be written. Likewise it is not established whence this name *synteresis*, which is first employed by St. Jerome (*In Ezech.* 1, 7 [Migne, *Patr. lat.* 25, 22]), was taken. Perhaps it is a copyist's error for *syneidesis*. "Synteresis is the capacity, inseparably joined with the use of reason, for the binding grasp of the fundamental moral laws" (cf. Renz, *Die Synteresis nach dem hl. Thomas* vi).

[11] *S. theol.* 2, tr. 16, q. 99, m. 2, a. 3. The same is taught by St. Thomas, *De verit.* q. 16, a. 2.

[12] Blessed Albert, *De creat.* 2, q. 71, c. 2; cf. also St. Thomas l. c.

[13] 2, dist. 39, q. 3, a. 1. Cf. *De verit.* q. 16, a. 3.

[14] Cf. *S. theol.* 1, 2, q. 85, a. 2 ad 3. Blessed Albert and Alexander of Hales teach similar things, even if they do not agree concerning the function of synteresis in the other life.

[15] *S. theol.* 2, 2, q. 47, a. 8.

[16] 2, dist. 24, q. 2, a. 3.

[17] *Quaest. disput. de veritate* q. 17, a. 2.

[18] 2, dist. 39, a. 1, q. 3 ad 3. Already by Socrates conscience was beautifully called *daimonion*.

[19] It is found in c. 13, X 2, 13.

[20] *Quodl.* 3, q. 27.

303. Scholion. Errors concerning the nature of moral conscience. Although all, even ancient and modern pagans, admit the existence of moral conscience in man, nevertheless very many have erred concerning its nature. Among almost innumerable errors the following seem to be the more principal:

1. Conscience is something pertaining to affection, or it is the act of some special ethical sense, which in English is called "moral sense." Thus Shaftesbury and all who defend moral subjectivism.

2. Conscience is nothing other than an effect of education and human intercourse, and therefore is very changeable according to the diverse grades of civilization. Thus Herbert Spencer, Robert Owen, and others.

3. Conscience is a certain illusion of the spirit; indeed an evil conscience is a certain disease of the soul. Thus Friedrich Nietzsche and other moral Nihilists.

There is no leisure to refute individually these and other errors concerning the nature of conscience. For they all remain refuted together from the true nature of conscience explained above.

Article II. On The Division Of Conscience

Conscience is customarily divided in many ways:

304. 1. By reason of the act: into antecedent and consequent. Antecedent conscience judges concerning an act to be done; but consequent conscience judges concerning an act already perpetrated. Consequent conscience either approves the act perpetrated, and then causes spiritual joy and satisfaction;[21] or it reproves this act, and then causes sorrow, which is customarily called remorse or the worm of conscience.[22] Now we shall not speak of consequent conscience, but only of antecedent conscience, which is the subjective rule of acts to be posited, which it either **a)** commands, or **b)** prohibits, or **c)** counsels, or **d)** permits.

2. By reason of conformity with the eternal law: into true and erroneous. True or right conscience[23] is that which from true principles dictates that some particular act is licit or illicit. Erroneous or false conscience is that which from false principles, nevertheless reputed true, dictates that something is licit or illicit which in reality is not such. - Since ignorance is the cause of erroneous conscience, in moral theology we speak in almost the same way about erroneous conscience as about ignorance. And therefore we also distinguish conscience that is vincibly and invincibly erroneous, conscience that is culpably and inculpably erroneous.

Erroneous conscience is customarily subdivided into scrupulous, perplexed, lax, cauterized, Pharisaic. Speech will return below concerning each of these. Meanwhile let it be noted briefly: Scrupulous conscience is that which from futile and altogether contemptible reasons judges or fears that some action is evil which in reality is not such. - Perplexed conscience is that which apprehends sin on both sides, whether the action is omitted or committed. - Lax conscience is called that which from a slighter reason judges either that no sin at all is present, or that there is not as much sin as in reality there is. The higher, that is, worse, degree of that lax conscience is cauterized conscience (*cauterizata*, *abgestumpftes Gewissen*), which from a long-standing habit of sinning makes little of all or of certain grave sins. - Pharisaic conscience is that which makes little of great sins, but on the contrary makes much of certain matters of lesser moment according to that word of the Gospel: "straining out a gnat, but swallowing a camel."[24]

3. By reason of assent: into certain, probable, and doubtful. Certain conscience is that which without prudent fear of erring firmly judges some act to be good or evil and therefore to be done or omitted. - Probable conscience is that which dictates some act to be probably licit or illicit, but with fear of the opposite part. Probable conscience therefore coincides with opinion. - Doubtful conscience accepted in the strict sense is the suspension of the intellect assenting to neither part of a contradiction.[25] Modern authors are not accustomed to distinguish between doubtful and probable conscience, but take each indifferently for a dictate of practical reason with fear of erring.

Note. Doubtful conscience, if doubt is taken for the suspension of any judgment, is in reality a contradiction in the adjective. For conscience is a dictate or judgment; but doubt is a suspension or negation of judgment. Therefore it would be much better if now no one spoke of doubtful conscience, but only of a moral doubt to be solved.

4. By reason of the obligation which it manifests: into commanding, prohibiting, permitting, and counseling, according as it commands, prohibits, permits, or counsels an act to be done.

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[21] St. Augustine beautifully says: "The joy of a good conscience is paradise" (*De Genesi ad lit.* l. 12, c. 34 [Migne, *Patr. lat.* 34, 482]). And (Pseudo-) St. Bernard says: "Nothing is more pleasant, nothing sweeter, nothing safer, nothing richer than a good conscience. Let the body press, let the world drag, let the devil terrify, and it will be secure" (*De interiore domo* c. 11 [Migne, *Patr. lat.* 184, 517]).

[22] The punishments of an evil conscience are vividly described not only by the Holy Fathers, for example, St. Ambrose, St. Jerome, St. Augustine (see Migne, *Patr. lat.* 220, 351 sqq.), but also by several profane poets, for example, Horace, Juvenal, Goethe (*Faust*); cf. above n. 152.

[23] Certain authors subtly distinguish true conscience, which agrees with objective truth, from right conscience, which agrees with right appetite and therefore includes even invincibly erroneous conscience; but such a distinction is rather superfluous and today is customarily abandoned. Cf. Billuart, *De conscientia* a. 1.

[24] Matt. 23, 24.

[25] Cf. Billuart, *De consc.* n. 1.

305. Scholion. On the difference between certain and true conscience. From what has been said it is clear that certain conscience differs from true conscience; for the former excludes fear of erring, but by no means always corresponds to objective truth. Thus, for example, Jacob consummated marriage with Leah, having a certain conscience that Leah was his true wife; yet this was objectively false. - The latter brings with it, besides certitude, also objective truth; for example, if someone judges that lying is never licit and therefore refuses to tell a lie.

After it has been said concerning the notion and division of conscience, it is now necessary to treat the individual parts one by one, namely: **1.** concerning true and erroneous conscience; **2.** concerning lax conscience; **3.** concerning perplexed and scrupulous conscience; **4.** concerning certain and doubtful conscience; **5.** concerning probable conscience, where the diverse moral systems will be treated.

Chapter II. On True And Erroneous Conscience

306. Principle 1. Man is bound to apply serious solicitude toward always having a true or right conscience.

The reason is obvious. For conscience is the proximate norm of morality, which ought to direct our whole moral life. Now man is bound to inquire into the right norm of morality, since otherwise great dangers of salvation arise. Therefore the Angelic Doctor[26] says: "The inquiry of reason is necessary before judgment concerning things to be chosen."

The principal means for obtaining a true and right conscience are:

a) Diligence in knowing the laws governing moral life. The highest diligence indeed is not required, but ordinary diligence suffices, which God-fearing men are accustomed to have by attending to the condition of persons and the gravity of the law.

b) The seeking of counsel made among experts, especially if there is question of difficult and unclear matters. Hence, when a doubt exists, a confessor or ecclesiastical superior is to be consulted.

c) Prayer. For God is to be prayed to: "Give me understanding, and I shall learn Thy commandments,"[27] and: "Teach me goodness and discipline and knowledge."[28]

d) Removal of impediments, which are disordered passions, depraved habits, the darkness of sins not yet remitted, etc.

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[26] *S. theol.* 1, 2, q. 14, a. 1.

[27] Ps. 118, 73.

[28] Ibid. 66.

307. Principle 2. Man is bound to follow conscience commanding or prohibiting: **a)** if it is true or right; **b)** if it is invincibly erroneous.

I said deliberately: commanding or prohibiting; for if conscience permits some act or only counsels it, then there is no strict obligation of following this conscience.

The first part of the principle stated is easily proved; indeed, it is clear per se.[29] For since from the things said above it is established that conscience is nothing other than the application of law in a particular case, it follows that, just as a just law commanding or prohibiting obliges, so also the right application of law made through conscience induces a moral obligation. Therefore in this case true and right conscience obliges gravely or lightly, in the same way as the law commanding or prohibiting obliges.

The other part of the principle is proved both from authority and from reason. And first indeed from authority. Jesus rebukes the Pharisees, saying: "If you were blind, you would not have sin; but now you say: Because we see. Your sin remains."[30] Here the Savior speaks of spiritual blindness, that is, of an invincibly erroneous conscience, which would have excused the Pharisees if it had truly been present.[31] St. Paul[32] says: "All that is not from faith is sin." St. Thomas[33] and exegetes commonly understand this text not so much of supernatural faith as of belief, persuasion, or conscience, so that its sense is: whatever man does against his own persuasion or conscience is sin. That this interpretation is legitimate follows from the context; for St. Paul speaks in the cited place concerning the eating of foods which are not evil in themselves, but which certain Christians judged to be evil and unclean, as prohibited by the Mosaic law; and then he teaches that one sins gravely who, truly thinking eating of this kind to be gravely illicit, nevertheless eats. - Innocent III[34] says: "If he acts otherwise [against conscience], he builds toward Gehenna." The Angelic Doctor[35] asserts: "Simply every will discordant from reason, whether right or erring, is always evil," and: "When erring reason proposes something as a precept of God, then to contemn the dictate of reason and the precept of God is the same." - From the authorities brought forward thus far it is abundantly established that man always sins when he acts against conscience.

Reason also manifestly proves the principle stated: **a)** Everything is formal sin which is against the known rule of morals. But conscience is the proximate rule of morals, as was said above. Therefore whatever is against conscience becomes sin. **b)** Goodness and malice are taken from the object, not as it is in itself, but as it is proposed by reason or conscience; for the will is a blind power following the guidance of reason and seeking nothing unless proposed by reason, and indeed in that mode in which it is proposed. Therefore if reason or conscience proposes (although invincibly erroneously) an object as morally evil, then the will embracing such an object wills evil and sins formally.[36]

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[29] Even Cicero said: "In his whole life it is not fitting that anyone depart a fingernail's breadth from right conscience" (*Ep. ad Attic.* 13, 20).

[30] John 9, 41.

[31] Cf. also John 15, 22.

[32] Rom. 14, 23.

[33] *Lect.* III in cap. 14 ep. ad Rom. and *S. theol.* 1, 2, q. 19, a. 5.

[34] c. 13, X 2, 13.

[35] *S. theol.* 1, 2, q. 19, a. 5; cf. also *De verit.* q. 17, a. 4.

[36] Cf. Billuart, *De consc.* a. 2.

308. Corollaries very much to be noted in practice are derived from the principle thus explained.

1. Conscience clearly commanding or prohibiting has been constituted in our soul by God as king or leader, whom not to obey is always unlawful. Hence conscience must be obeyed rather than any created power.

2. He who by erring invincibly thinks that he ought to lie in order to save a friend is bound to lie, and by lying he commits not a formal sin, but only a material one. But if in this case he did not lie, he would commit a formal sin, because he would act against conscience (although erroneous).

3. He who by erring invincibly thinks that today there is a prescribed fast, which nevertheless in reality there is not, and notwithstanding such conviction does not fast, commits a formal sin of disobedience toward the Church, although there is no material injury of ecclesiastical law, since it does not exist. The reason is that he contemns a precept of the Church which he thinks exists.

309. Exceptions. 1. He who posits an act with which he erroneously thinks a penalty is joined, for example, a censure, reservation, etc., indeed sins, but in reality does not incur this penalty. Hence he who certainly but erroneously thinks that some book has been prohibited by the Church under penalty of excommunication, and notwithstanding such conviction reads that book, indeed sins gravely, because he contemns the Church, but he is not excommunicated, because this penalty has not been enacted except against those who read books really and not only putatively prohibited under penalty of excommunication.

2. He who from erroneous conscience thinks that he sins from the involuntary omission of an act impossible for him does not sin in reality; for example, if someone detained in prison were to think that he sins from the omission of Sunday Mass, which in reality he cannot hear because of incarceration, he does not sin, notwithstanding his erroneous conscience. The reason is that this omission is involuntary and no sin is given unless voluntary. Yet the better reason is that no one of sound mind can persuade himself that he is bound to something altogether impossible; and therefore in the case conscience is already not invincibly erroneous, or, if it truly is so, such a man, as scrupulous or demented, is not capable of sin.

310. Principle 3. It is not licit to follow a vincibly erroneous conscience; nor yet is it even licit to act against such a conscience; but the error is to be laid aside before action.

Thus the opinion more common today, to which nevertheless several writers, especially older ones, in some way contradict, such as Billuart (l. c.), John of St. Thomas, etc. A man acting with a vincibly erroneous conscience is never excused from sin, whether he acts according to or against conscience. The reason is that he voluntarily exposes himself to the danger of sinning, which indeed in the case is already sin. Therefore in this case man is bound either to desist from the action or to lay aside the erroneous conscience.[37] - But if such danger of sinning is absent, then it is licit to act with a vincibly erroneous conscience. For example, if someone with an erroneous conscience thinks that he ought to hear Mass, he is not bound first to lay aside this vincibly erroneous conscience if in reality he hears Mass; for to hear Mass is a good act. Therefore the following rule is to be observed by him who labors under a vincibly erroneous conscience:

1. Let him lay it aside by seeking the truth through suitable means, for example, through prayer, deliberation, petition for counsel, etc.; **2.** but if he cannot lay it aside, let him desist from the action; **3.** but if he cannot even desist from the action, let him choose that which is safer.

[37] Cf. what was said above in n. 45 sqq. concerning invincible and vincible ignorance.

311. Signs for discerning an invincibly erroneous conscience from a vincibly erroneous one are chiefly the following: let the confessor ask the penitent whether he noticed any indecency in this act, or at least whether conscience dictated to him that investigations concerning the licitness of the act were to be made. But if the penitent denies both, his conscience was invincibly erroneous.

312. Specific moral malice of an act committed against an invincibly erroneous conscience. The sin of one acting against an invincibly erroneous conscience is of the same species and gravity as if he acted against right conscience in the same matter. Therefore St. Thomas[38] teaches: "When erroneous conscience dictates that something is to be done, it dictates it under some aspect of good, or as if it were a work of justice or temperance, and so concerning the others; and therefore the transgressor incurs a vice contrary to that virtue under whose species conscience dictates that thing; or if it dictates that thing under the species of a divine precept, or only of some prelate, he incurs the sin of disobedience by transgressing conscience." Hence, for example, he who omits a lie which from invincible error he thinks that he ought to tell in order to save a friend sins against charity or even against justice; he who omits in sacramental confession an objectively indifferent act which from invincible error he thought necessarily had to be declared commits the sin of sacrilege.

Grave or light theological malice. It sometimes happens that a penitent apprehends only in general the malice of some act, not thinking whether the act is gravely or lightly evil, for example, in the reading of depraved books. Then an act of this kind is to be judged by the confessor as grave or light according as the penitent is of lax or God-fearing conscience. For if he is of lax conscience, the presumption stands against him; but if he is of God-fearing conscience, the presumption stands for him.

Admonition. Confessors, preachers, and other directors of souls should observe carefully that they instruct the faithful committed to them rightly and without exaggerations. First, let them not propose as commands properly so called those things which in reality are only counsels or pious customs; for example, let them most urgently recommend morning and evening prayers to the faithful, but at the same time say openly that their omission is not a proper sin per se. Moreover let them avoid all exaggerations by insinuating that something is a grave sin which in reality is only a light transgression. "Hence let it be observed," says St. Alphonsus,[39] "into what danger those thrust themselves who, following rigid doctrine, easily condemn men for mortal sin in those matters in which grave malice does not appear by evident reason, thus exposing them to the danger of eternal damnation; and the same must be said of those who easily brand with the mark of laxity opinions which do not seem openly improbable."

- All these things agree with the doctrine of St. Thomas,[40] who teaches: "Every question in which inquiry is made concerning mortal sin is determined dangerously unless the truth is had expressly; ... the error by which something is believed to be mortal which is not mortal binds from conscience to mortal sin."

[38] *De verit.* q. 17, a. 4 ad 9.

[39] *Theol. mor.* l. 5, n. 52.

[40] *Quodl.* 9, a. 15.

313. Scholion. On the moral goodness of an act committed from invincible error. Especially in the eighteenth century it was disputed most sharply among theologians whether invincibly erroneous conscience not only obliges so that to go against it is sin, but also whether to follow it is good, indeed even meritorious. For example, is he who from invincibly erroneous conscience lied not only free from formal sin, but also, by lying, has he performed a good act? That such a man is free from formal sin is certain against Lutherans and Jansenists. For Alexander VIII condemned the proposition (31): "Although invincible ignorance of natural right be granted, in the state of fallen nature this does not excuse one acting from it from mortal sin." But is the act produced from invincibly erroneous conscience truly morally good? - St. Alphonsus[41] calls the affirmative opinion more probable and most common, because, as St. Thomas testifies,[42] "a human act is judged virtuous or vicious according to the apprehended good to which the will is borne per se, and not according to the material object of the act." Against this opinion Concina[43] inveighs vehemently, especially insisting on the adage admitted by all: "Good is from the whole cause, evil from any defect whatever." He also proclaims that it is an intolerable absurdity that someone from a crime, for example, from idolatry committed with invincible ignorance, should merit eternal life. Thus he says: "What is more opposed to common sense than that crimes and horrendous wicked deeds should by a portentous metamorphosis be transformed into virtues, into merit of eternal life? By what power? - Divine? - Far from it. - By what then? Hear and be astonished: by the power of human error. Therefore the error of our mind is another God." - This controversy seems to us to be purely theoretical and to produce no practical usefulness. For each opinion concedes these two things: **1.** a material sin committed from invincibly erroneous conscience induces no moral fault; **2.** the good intention joined to this work is a virtuous and meritorious work (the other requisites being posited). Therefore the only difference consists in determining whether a materially evil work, namely accepted separately, has good morality or evil morality. Or, so that the matter may be shown in a concrete example: did the Patriarch Jacob, exercising carnal intercourse with Leah, whom he invincibly thought to be his legitimate wife, perform a less good work than if he had performed the same act with his legitimate wife? - Speaking theoretically, Concina's opinion does not seem to us altogether to be despised because of the reasons brought forward by him and because of the authority of St. Thomas, who says: "That which is done against law is always evil; nor is it excused by the fact that it is according to conscience."[44] Already St. Bernard[45] discusses this controversy at greater length and concludes: "A depraved intention altogether condemns the good, and a right intention does not wholly excuse the evil. Therefore whether you think evil to be good, which perhaps you do, or good to be evil, which you perform, each is sin." But perhaps one would say more rightly that such a work, evil in itself materially (with the good intention prescinded), is amoral, because it is not voluntary in the genus of morals.

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[41] *L. c.* l. 1, n. 6. R. Beaudouin, O. Pr., *De conscientia* p. 24; E. Muller, *Theol. mor.* I, § 72; many moderns teach the same opinion.

[42] *Quodl.* 3, a. 27.

[43] *De consc.* diss. 1, c. 5. Concina's opinion has obtained few followers. Cf. La Croix, *Theol. mor.* lib. 1, n. 14-34.

[44] *Quodl.* 8, n. 13. Yet these words can rightly be understood of merely objective malice. Cf. Billuart, *De conscientia* a. 2, obj. 4.

[45] *De praecept. et dispensat.* c. 14 (Migne, *Patr. lat.* 182, 883).

Chapter III. On Lax Conscience

314. Notions. To vincibly erroneous conscience is reduced lax conscience, which judges from an insufficient reason that either no sin at all is present, or at least that so great a sin is not present in a particular case, as it is in reality. Since, therefore, lax conscience is erroneous, Principle 3 brought above in n. 310 is to be applied to it.

Lax conscience has two degrees almost equally dangerous, namely cauterized conscience (*abgestumpftes Gewissen*), which from a long-standing habit of sinning makes little of all or certain determinate grave sins, indeed almost does not even perceive them. For from perverse morals the moral sense can be so clouded that man does not even abhor grave sins, but as it were drinks iniquity like water.[46] Nevertheless, from this it is not licit to deduce that such a man now cannot distinguish between moral good and evil, or that he labors under moral insanity and therefore lacks moral responsibility. And truly this moral insanity is repugnant to synteresis and to the nature of conscience. The other degree of lax conscience is Pharisaic conscience, which in appearance is a tender conscience, because in certain matters, especially exterior ones, it is very, indeed too, accurate, but in other matters, and those more necessary, it sins without scruple.[47]

[46] Cf. Isa. 5, 20; Job 15, 16.

[47] Cf. Matt. 23, 13 sqq. "Woe to you, Scribes and Pharisees, hypocrites, because you cleanse what is outside the cup and dish, but inside you are full of robbery and uncleanness" (ib. v. 25). Those are not so far from this Pharisaic conscience who are too anxious about many external devotions; but on the other side they easily injure fraternal charity and the moral virtues. Commonly these men are called *Scheinheilige*, *Betschwestern*, *Quiseln*, *devotes*, and they are found in the male sex equally as in the female.

315. Causes of lax conscience. The first root indeed is that habitual disposition of soul proceeding from original sin, which inclines one to deny or lessen obligations and to extend freedom of acting more than is just; but the proximate causes are: **1.** depraved education and intercourse. Experience, alas, clearer than the light of day shows that children educated by irreligious and ill-behaved parents attain neither the true sense of religion nor of morality. Likewise daily we see that those who habitually associate with perverse men are gradually perverted and drink in false judgments concerning religion and morality. - **2.** Vehement disordered passions rather often cause a lax conscience. For such passions are accustomed to cloud the intellect and therefore impede its right judgment. Therefore the common adage is: "What one desires, this also he believes." Hence there are so many false judgments in matters of morals! For example, movements of anger are called pious indignations; unbridled ambition hears the name noble emulation; the sacred hunger for gold is called providence for adverse circumstances; sensual pleasure is named necessary care of the body, etc. - **3.** A life long immersed in vices, which is accustomed to produce a clouding and finally a blinding of the intellect and an obduracy of the will. There is added the fact that a man given over to vices always receives fewer graces of God and from this slips into a deep abyss in which he no longer rightly perceives the norms of morality.

Effects. There is no one who does not see how dangerous lax conscience is, since from it arise innumerable sins, which are the more dangerous the less rightly they are perceived. Fearing this danger the Psalmist prays: "From my hidden [sins] cleanse me [O Lord]!"[48] Lax conscience, unless it has arisen from bad education, is customarily culpably erroneous, and from this all sinful acts which proceed from it, although they are not recognized as sins, are imputed to fault.

[48] Ps. 18, 13.

316. Remedies. 1. The first, best, and most efficacious remedy against lax conscience is devout and assiduous prayer: "Give me understanding, and I shall search Thy law, and I shall keep it with my whole heart."[49] - **2.** Another remedy very much to be counseled is sacramental confession and instruction made by a prudent and patient confessor. But when the confessor notices that the penitent labors under a lax conscience, let him treat him kindly, yet at the same time strongly admonishing and instructing him toward the reformation of conscience. - **3.** The third remedy is the removal of the causes which produced the lax conscience. Thus, if that laxity arose from bad education, good instruction is to be imparted; if it happened from bad intercourse, the

society of God-fearing men is to be counseled; if an earlier bad life made the conscience cauterized, amendment must be procured with all one's powers.

[49] Ps. 118, 34.

Chapter IV. On Perplexed And Scrupulous Conscience

Article I. On Perplexed Conscience

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[50] In the German language it is called: *Das verwirrte Gewissen.*

317. Notion. Perplexed conscience is that which fears sin on both sides, whether it does the act or omits it. For example, some fearful person, on whom the care of some sick person lies, thinks that he commits sin if on a feast day he does not assist at Mass; but on the other side he fears lest he gravely injure charity if he leaves the sick person alone at home and assists at Mass; or another example, which can happen rather often: a confessor fears to absolve a penitent, either because he is doubtfully disposed, or because he probably committed a reserved sin; but on the other side he fears lest the penitent, dismissed without absolution, will now neglect receiving the sacraments. - Therefore a man with a perplexed conscience is like a navigator between Scylla and Charybdis.

318. Rules to be observed. 1. If he who labors under a perplexed conscience can suspend the action and meanwhile consult wise men or books, he is certainly bound to this. The reason is that according to the first principle brought above concerning true conscience to be sought, each person is bound to apply serious solicitude toward having a right conscience and toward acting according to laws truly existing.

2. If the perplexed person is able neither to consult wise men or books nor to defer the action, as is accustomed to happen in the example brought above concerning the confessor, then he ought to choose that which seems less evil to him, having before his eyes that the stronger law prevails over the lesser law. Thus divine law prevails over human law.

3. If the perplexed person neither can consult wise men or books nor is able to discern which law in such a conflict is stronger, he is able freely to choose either part; for no one is bound to the impossible and no one necessarily sins. Nevertheless, if this perplexity has arisen from preceding fault, as for example if a confessor is not able to solve rightly some practical case because he previously neglected the study of moral Theology, then all those things hold which were said above concerning vincible and culpable ignorance.[51]

4. If perplexed conscience is at the same time joined with scrupulous conscience, as often happens, then the rules soon to be given concerning the scrupulous are to be applied.

[51] Cf. n. 46.

Article II. On Scrupulous Conscience

319. Notion and effects. Scrupulous conscience is that which from futile and altogether insufficient motives thinks and fears that some act is sinful. And so a scruple or so-called scrupulous conscience is rather fear or empty anxiety than conscience properly so called or the judgment of a sound mind.[52] Hence although it is never licit to act against conscience, it is not only licit but also necessary to act against scrupulous conscience.

Such a conscience is a true torture almost equally for the penitent and for the confessor. Rather rarely does it produce good effects, but often it causes harms both of body and of soul. For it weakens the brain and the nervous system, sometimes harms health, impedes spiritual progress, renders life sad, indeed sometimes leads to madness or to suicide. Sometimes also suddenly, as if from desperation, a scrupulous man becomes of lax conscience and loosens the reins to vices. - Scrupulous conscience is by no means to be confused with tender conscience, which flees all sins, even small ones. Hence the signs proving the existence of scrupulous conscience are to be attended to.

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[52] Therefore physicians deservedly call scruples a phobia (religious compulsory ideas); cf. P. Raymond, O. Pr., *Le guide des nerveux et des scrupuleux*. Paris 1911, p. 100 sqq.

320. Signs[53] (**Symptomatology**). **1.** Excessive anxiety concerning the sufficiency of actions[54] and notably concerning past confessions. But I say: excessive anxiety; for sometimes anxiety of this kind is present not without foundation. But that excessive anxiety is truly present may be concluded from this, that it returns again and again in the penitent, even if the confessor has certainly declared it unfounded.

2. Prolix accusations of circumstances which do not pertain to the matter. This holds especially concerning internal sins. For the scrupulous are accustomed to have great anxieties concerning depraved thoughts and desires freely admitted, and concerning a depraved or at least not sufficiently good intention had in acting.

3. Obstinacy of judgment, which refuses to acquiesce in the decisions of the confessor and leads the penitent to migrate from one confessor to another. - Scruples sometimes turn on the whole state of the soul and on all sins; but more often they touch a special object, for example, chastity, the recitation of the Breviary, the pronunciation of words during the consecration, etc.

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[53] Cf. A. Gemelli, O. M., *Skrupulositat u. Psychasthenie* (1915) 91 sqq.

[54] By moderns it is called *sentiment d'incompletude*, *Gefuhl der Unzulanglichkeit*.

321. Causes (Aetiology) of scrupulous conscience sometimes (although rather rarely) are supernatural, namely God, who sends scruples that the soul may be exercised in patience and humility, as is narrated concerning St. Ignatius of Loyola, St. Francis de Sales, and other saints; but such scruples are not accustomed to last for a long time, but, once they are soon overcome, the sweet peace of the soul is reborn. - God permitting, the devil sometimes causes scruples in order to disturb the soul or to take vengeance on it; but these scruples also are not accustomed to persevere for a long time, but they will cease with divine grace assisting and with the soul's strenuous struggle.

Much more often natural causes produce scruples, although God must be said to be the first cause, who employs natural causes to produce effects. The natural causes which proximately produce scruples are either moral or physical. Among the physical causes of scruples there stands out a pathological[55] bodily disposition, namely of the brain, heart, and nerves, arising not rarely from heredity or atavism. Hence often with a bodily pathological disposition of this kind scruples not only arise, but also cease with it. Those things are to be recalled which were said above in n. 95 concerning "fixed ideas." Perhaps it is not alien from the truth if someone were to say that the greatest part of scruples is nothing other than religious fixed ideas, or rather a religious phobia. Sometimes the physical cause of scruples is also weakness and inconstancy of soul, which modern psychiatrists call "psychasthenia." - The moral causes of scrupulous conscience are excessive flight from human intercourse and honest recreation, intercourse with fearful men,[56] reading of writings that are too

rigid, hidden pride, by which someone trusts his own judgment more than the opinion of the confessor.[57] Hence St. Alphonsus[58] says: "Often scruples have their origin from the vice of pride."

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[55] St. Antoninus (*Sum. theol.* I, 3, 10) already recognized this, saying: "Sometimes pusillanimity or scruple is caused from manic or melancholic illness ... through which imagination and sometimes reason are injured... But sometimes it proceeds ... from negligence of bodily regimen, namely through excessive abstinence ... vigils and things of this kind."

[56] Beaudouin, O. Pr., rightly writes, *Tract. de consc.* p. 57: "An extrinsic cause of scrupulous conscience is the society of the scrupulous; for one scrupulous person makes another scrupulous, just as one fearful person makes another fearful."

[57] Cf. *S. theol.* 2, 2, q. 173, a. 2; Billuart, *De consc.* diss. 5, a. 5, quaer. 4°.

[58] *Theol. mor.* l. 1, n. 12.

322. Remedies of scruples. (Therapy.) 1. The first remedy, from which the cure of this disease is to be begun, consists in the removal of the causes which produced and produce scrupulous conscience. Hence if the cause of scruples is a pathological bodily quality, this is to be eliminated through a good and God-fearing physician. Certainly, since very often a disturbance of the nerves is the cause of scruples and since this disturbance can be healed only with difficulty, great patience is necessary. When the confessor suspects that a bodily disease is the cause of scruples, let him use skillful prudence and circumspection, especially with younger scrupulous women, lest he give occasion to malicious detractions. Let him say simply to the penitent: moral Theology teaches us that scruples rather often arise from an unhealthy bodily disposition, and therefore go to a prudent and God-fearing physician, so that it may be detected whether a disease is truly present.

2. The second remedy, and one proclaimed with one voice both by psychiatrists and by theologians, is perfect obedience to be rendered to a wise director.[59] For the scrupulous person cannot direct himself nor judge rightly concerning his own state and his own acts, and therefore he is bound to submit himself to the direction of a prudent man, by whose help he will gradually cast away vain fears. Therefore the confessor, as soon as he has clearly known that the penitent labors under scrupulous conscience, ought to strive: **a)** by paternal kindness to capture his perfect trust. This indeed he will obtain if he clearly shows that he is affected with great Christian charity toward the penitent and is prepared to help him with all the powers by which he can. But the penitent ought not only to have persuaded himself of the charity of the confessor, but also to revere his authority. **b)** Let the confessor always speak with the penitent not hesitantly and doubtfully, but as one knowing with certainty and speaking from the authority of God. Therefore again and again let him inculcate that he does not speak by his own authority only, but also as a minister of God, to whom the illumination of the Holy Spirit will most certainly never be lacking when he rightly performs his office. Let him bring forward either no reasons at all, or only brief reasons, for his way of acting; otherwise there will be interminable, indeed harmful, discussions between confessor and penitent. This also is a good and efficacious rule to be observed: not only with brief words, but also with the same words, let the confessor constantly judge concerning the acts and state of the penitent; otherwise the scrupulous person easily thinks that he has not rightly understood the words of the confessor. Not rarely good effects are also obtained if the confessor gives the penitent in writing a way of acting; then he has greater security, often reading the things which have been written.

3. The third remedy against scruples is: not continually to approach other confessors or directors for the sake of taking counsel. For if the scrupulous person goes about from one confessor to another, his disturbance becomes greater as he hears diverse answers, and he himself does not obey so perfectly as if he were always directed by the same man.

4. The fourth remedy is suitable bodily or spiritual labor drawing the mind away from scrupulous thoughts, and honest recreation. For experience establishes that the scrupulous think too much about their own state; and therefore, if their mind is detained by other suitable occupations, their scruples are diminished.

5. The fifth remedy (which should never be omitted) is fervent and assiduous prayer to God, the Father of light. From such prayer not only is special grace obtained, but trust in divine mercy is also increased and peace of soul is gradually restored.

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[59] "Let him earnestly take care to persuade penitents troubled by scruples that he walks altogether safely who acquiesces in and obeys the counsels of his director in all things in which evident sin does not appear: for then he does not obey man, but God Himself saying: He who hears you, hears Me, and he who despises you, despises Me (Luke 10, 16)." Thus St. Alphonsus, *Theol. mor.* l. 1, n. 13.

323. The so-called privileges of the scrupulous. Since the judgment of the scrupulous is so disturbed that they themselves are not able to judge clearly and certainly in that matter around which their scruples turn, hence neither can they sin gravely in such a matter, since clear and certain knowledge is necessary for grave sin. Hence the first privilege of the scrupulous is that they are excused from diligent examination of conscience, and are not burdened with grave sin in such a matter unless they are able to swear that they certainly and with clear knowledge committed an act gravely sinful. - The other privilege of the scrupulous is excuse from the material integrity of confession. For the integrity of confession is prescribed by a positive divine precept, which does not oblige with great extrinsic inconvenience or with moral impossibility. Now the scrupulous are in such moral impossibility, and therefore they are not bound to the material integrity of confession. Hence let the confessor not permit the scrupulous to make long confessions, but let him say to them: I know sufficiently the state of your soul, so that I am able to bear a right judgment concerning it. Therefore say nothing further concerning your sins. - But if the scrupulous penitent has already exercised strict obedience for some time, a general confession could be permitted to him if he asks, but only once.

Chapter V. On Certain And Doubtful Conscience

Article I. On Certain Conscience

324. Notions. Certain conscience is that which, without prudent fear of erring, judges that some act is either licit or good or evil, and therefore here and now to be done or omitted. Since morally certain conscience is altogether required, so that it is never licit to act with a practically doubtful conscience, it is helpful to explain briefly what certitude is and how it is divided.

Certitude is customarily defined: the firm adherence of the mind to some truth without fear of erring; or, as St. Thomas[60] says: "Firmness of adhesion of the cognitive power to its knowable object." Therefore certitude is the effect of evidence (intrinsic or extrinsic). For when some truth appears evident to us, we assent with certitude; but as long as evidence has not been present, neither can certain assent be present. This evidence is sometimes intrinsic, namely if it arises from the very nature of the thing clearly perceived; for example, man has intrinsic evidence concerning the truth of the calculation 2 + 2 = 4. But sometimes this evidence is only extrinsic, namely if it is founded upon either human or divine testimony. Thus a boy is certain that this man is his father, because it has been narrated to him so by trustworthy persons; thus all Catholics are certain concerning the truths of faith, because God Himself revealed them. Truths certainly known from intrinsic evidence are evidently knowable; but truths knowable from extrinsic evidence are evidently credible. But even if certitude arises from the evidence of truth, nevertheless from this it is not licit to conclude that certain and

true conscience coincide. For since the dictate of conscience is as it were the conclusion of some reasoning, and since error can slip into reasoning, it follows that conscience can be false or erroneous and nevertheless certain. Hence above in n. 307 we proved that an invincibly erroneous conscience sometimes exists, which indeed is certain, but objectively false. Hence it is said briefly: true conscience regards the truth of the object; but certain conscience regards the subject's firm adherence.

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[60] 3, dist. 26, q. 2, a. 4.

325. Divisions. 1. Certitude is divided into metaphysical, physical, and moral. Metaphysical certitude is founded in the very essence and connection of ideas and excludes every possibility of falsity, and therefore is also called absolute certitude, because the contrary proposition is absolutely false and in itself so repugnant that not even God Himself could make it true. This certitude is conveyed, for example, by the first moral principles: good is to be done, God is to be worshiped, etc. - Physical certitude excludes falsity not indeed absolutely, but with the physical order standing thus. It is physically certain, for example, that I am going to die, that the sun is going to rise tomorrow, etc., because, unless a miracle is going to derogate from the physical order, it is certain that these effects are going to occur. - Moral certitude excludes every fear of erring, with attention to the moral order of things. Thus, for example, I am morally certain that the Pope is a worthy man, that my friend perfectly known to me does not tell a lie, etc.

2. Certitude is divided into strict or perfect and broad or imperfect. For according to the greater or lesser weight of reasons on which it rests, certitude, that is, firmness of adherence, admits diverse grades, which nevertheless can all be reduced to two. Strict or perfect certitude is that which altogether excludes every reasonable doubt, so that its opposite is supported by no prudent motive. Cf. the examples brought above in n. 1 for moral certitude. - But broad or imperfect certitude[61] is that which rests indeed on a grave motive, but against which not only the possibility of error stands, but certain lighter reasons also fight. Thus, for example, it is morally certain that the three acts of the penitent are the proximate matter of the sacrament of penance, or that Christ immediately instituted all the sacraments, although some authors hold the contrary. Concerning this broad certitude St. Alphonsus[62] writes: "To form the moral certitude of some opinion, it is not required that authors holding the opposite lack every reason even light; but it suffices if that opinion, all things having been weighed, appears so true that there scarcely remains to the contrary the appearance of truth, or that the contrary seems not sufficiently probable." From these words of the Holy Doctor it follows that, whenever he calls some opinion not sufficiently probable, he holds the opposite as morally certain and therefore to be followed.

3. Certitude is divided into speculative and practical. Speculative certitude is that which regards the truth of the thing viewed objectively, without direct relation to a practical case. Thus, speaking speculatively, touches are licit, kisses are not prohibited; but in a particular case this certitude sometimes fails; indeed it yields to contrary certitude. - Practical certitude regards the act to be posited here and now, as clothed with all circumstances, for example, the omission of the recitation of the Breviary is licit for me today because of my infirmity.

4. Certitude is divided into direct and indirect or reflex. Direct certitude is called that which arises from clear internal principles manifestly demonstrating the morality of the act to be posited. Thus, for example, a son says to himself: since due obedience is to be rendered to parents, I am bound here and now to obey my father legitimately commanding. Indirect certitude is not obtained by direct and internal principles, but by indirect principles extrinsic to the thing. For example, a subject doubts whether a matter commanded by a superior is licit or not. But since he is persuaded that the superior is wise and God-fearing, he has recourse to a reflex and

most true principle: "In doubt the presumption stands for the superior"; and from this he concludes with moral certitude: therefore I can, indeed I also ought to obey the precept of the superior. Speech will return below in n. 332 concerning these reflex principles.

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[61] This certitude is called by St. Thomas "probable certitude, which reaches truth in most cases, although in fewer cases it falls short of truth" (*S. theol.* 2, 2, q. 70, a. 2). The word "probable" here is not taken as it is customarily taken by moderns; otherwise probable certitude would be a contradiction in terms. Modern authors also call this certitude moral and broadly so called (cf. Marc-Raus, *Inst. mor.* I, 31).

[62] Dissertation a. 1755, n. 52.

326. Principle. a) Only certain conscience (whether directly or indirectly) is the right rule of morals; **b)** but for acting licitly, certitude broadly so called ordinarily suffices.

a) This principle is admitted by almost all theologians.[63] The reason is that man is bound to apply serious diligence so that he may conform his acts to just law, as was said above in n. 306. Now unless moral certitude of conformity with law is present, neither has man applied sufficient diligence, because it is not so difficult to obtain practical moral certitude in our actions. Then he who acts without moral certitude concerning the licitness of his act sins by exposing himself to the proximate danger of formally sinning and offending God. Moreover, it is not licit voluntarily to expose oneself to a proximate danger of sinning; for he who does that which he reasonably suspects to be sin virtually and interpretatively wills sin itself. - The same is established from St. Thomas,[64] who **a)** requires for conscience that it be brought into no doubt; **b)** calls conscience the application of science, that is, of certain knowledge, to an act.[65]

b) Nevertheless certitude in every respect is not required, but broad certitude ordinarily suffices. For "certitude is not to be sought in the same way in all things, but in each matter according to its proper mode. But because the matter of prudence is contingent singulars, concerning which human operations are, the certitude of prudence cannot be so great that solicitude is altogether removed."[66] What St. Thomas here teaches concerning the certitude of prudence, the same holds concerning the certitude of conscience. That broad moral certitude truly suffices for acting licitly also appears manifestly from proposition (3) condemned by Alexander VIII: "It is not licit to follow an opinion even the most probable among the probable."[67] For even the most probable opinion is not absolutely certain, and therefore, if it is licit to follow the most probable opinion, likewise it is licit to follow an opinion morally and broadly certain, which lacks absolute certitude. Finally the reason is added: absolute certitude in human acts is often altogether impossible. But no one is bound to the impossible. Therefore absolute certitude is not required in human acts, but broad certitude suffices. - In a few cases broad certitude does not suffice, but strict certitude is required, namely when even a slight doubt renders the act illicit, as is accustomed to happen if there is question of the validity of the sacraments. Hence outside the case of grave necessity it is not licit to administer the sacraments with matter which is not certainly valid.

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[63] Lacroix (*De consc.* l. 1, n. 47) cites as adversaries Camargo, Taberna, and certain others of small authority.

[64] *Quodl.* 8, a. 13.

[65] *S. theol.* 1, 2, q. 19, a. 5.

[66] Ibid. 2, 2, q. 47, a. 9 ad 2.

[67] Denz. n. 1293.

327. Scholion. On practical certitude alone as necessary. Since conscience is an act, as has already often been said, it suffices and is required for acting licitly that practical certitude be present, but not speculative

certitude. For in moral theology there are very many controverted opinions in which speculative moral certitude is altogether lacking, for example, whether customs-duty laws are merely penal laws, whether painting is a servile work, etc. Certainly it is altogether impossible in these controversies to obtain speculative moral certitude, because the reasons given on both sides are grave and the Church has given no definitive decision. But acts to be posited not rarely occur from these controverted questions. Then therefore, while speculative doubt stands, practical certitude is to be sought, as will be said in the following article.

Article II. On Doubtful Conscience, i.e., On Moral Doubt

68

For the sake of clarity the present article is divided into two paragraphs: **1.** concerning the notion and division of doubtful conscience or moral doubt; **2.** concerning the means for solving practical doubt.

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[68] Strictly and accurately speaking, doubtful conscience is a contradiction in the adjective, as was already said above in n. 304. For conscience is judgment or dictate; but doubt is suspension of judgment, as St. Thomas clearly teaches: "When a man has no reason toward the other part, either because he has none toward either part, which belongs to one not knowing, or because he has reason toward each part, but equal reason, which belongs to one doubting, then he assents in no way, since his judgment is in no way determined, but bears itself equally toward diverse things" (3, dist. 23, q. 2, a. 2, quaestiunc. 3, sol. 1). Hence the question would be placed more accurately in this way: How ought the dictate of conscience be formed if in the mind there exists doubt concerning the licitness of an act? - Nevertheless, since, St. Alphonsus leading the way, authors commonly employ the expression "doubtful conscience," and since conscience in the vernacular language not rarely signifies a state of mind, we also speak of doubtful conscience (cf. Beaudouin, *Tract. de conscientia* p. 47).

§ 1. On The Notion And Division Of Doubtful Conscience Or Moral Doubt

328. Notions. Billuart rightly observes:[69] "To doubt is not to judge, but to suspend every judgment or assent and to cling wavering between each part of a contradiction. To opine is to judge or assent to one part with fear of the opposite part." - Therefore doubt strictly and properly so called is the suspension of assent and judgment concerning some proposition; and so it is opposed not to certitude alone, but also to suspicion and opinion, in which true assent is had, although imperfect and with fear of erring. In doubt the mind is as it were the tongue of a balance, which, placed in equilibrium, inclines neither to one nor to the other part. Older authors with St. Thomas[70] distinguished three grades with reference to assent: **1.** doubt, in which every assent is lacking; **2.** opinion and suspicion, in which imperfect assent is present with fear of the opposite part;[71] **3.** science and even faith, in which there is firm assent without fear of erring. - Modern authors, however, are accustomed to distinguish only two grades of assent, namely certain assent without fear of erring or certitude, and uncertain assent with fear of erring or doubt broadly so called. - Since therefore the same terminology is not employed by ancient and modern authors, confusion must be carefully avoided.

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[69] *De consc.* diss. 5, a. 6.

[70] Cf. *De verit.* q. 14, a. 1; *S. theol.* 2, 2, q. 2, a. 1.

[71] There is indeed some difference between opinion and suspicion. Opinion is an assent of the mind with fear of erring, but suspicion is pure conjecture and is accustomed to turn on particular facts, for example, concerning evil perpetrated by another (cf. St. Thomas in 6 *Ethic.* lect. 3).

329. Divisions of doubt. 1. Doubt of right and doubt of fact, according as it is not certainly established either concerning the existence of some right (or law) or of some particular fact. Doubt of right is, for example, the

controversy whether merely external attention suffices for the recitation of the Breviary. But doubt of fact is, for example, if the confessor hesitates whether the penitent made a true vow or a simple promise.

2. Positive and negative doubt. Positive doubt rests on grave reasons. But negative doubt is founded on a light and insufficient motive. The common adage says: "Negative doubt is to be despised." The reason is that doubt of this kind is irrational and cannot destroy contrary certitude. For example, some pious priest is accustomed always to say his Breviary with great diligence; but once in the evening he does not remember that he said the third nocturn. That doubt is negative and to be despised, and the priest is not bound to say again the nocturn concerning which he doubts.

3. Speculative and practical doubt. Speculative and practical doubt is subdivided by some authors[72] into speculative, speculative-practical, practical, and practical-practical. Such subtleties seem to be superfluous and therefore are omitted here. Speculative doubt regards the objective morality of some human act, yet without direct relation to the act itself to be posited here and now. Such doubt exists concerning all controverted questions in which moralists dispute on either side, for example, whether civil law is a sufficient title for receiving interest, whether an informal testament is valid in conscience, etc. - Practical doubt (by others called practical-practical) turns on the morality of an act to be posited here and now, with attention to all the circumstances; for example, whether it is licit to retain such a legacy proceeding from an informal testament or not; whether it is licit to read such a dangerous book, etc.[73]

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[72] Cf. Billuart, *De consc.* l. c.

[73] Cf. St. Alphonsus, *Theol. mor.* l. 1, n. 21.

330. Principle. It is never licit to act with a practically doubtful conscience (at least if positive doubt remains).

Thus almost all Catholic theologians,[74] and this is deduced as a corollary from the principle of the preceding article. For since certitude (broad) is required for acting licitly, it is not licit to act with positive doubt, because otherwise man would voluntarily expose himself to the proximate danger of formally sinning.[75] But the sin which one acting with positive practical doubt commits is of the same species and gravity as the same sin committed with certain conscience. Hence, for example, he who positively doubts whether the act here and now to be posited is a grave sin, and, notwithstanding such doubt, posits the act, truly sins gravely; he who positively doubts whether today the precept of abstinence obliges and nevertheless eats meat sins against the law of abstinence, even if perhaps in reality today is not a day of abstinence. - But I said: it is not licit to act with a practically doubtful conscience; for speculative doubt in the sense set forth above does not render an action illicit, provided that before action it is changed into broad certitude in the way which will be stated below. - Finally I said: positive doubt remaining; for negative doubt does not harm the morality of the action. Hence such doubts are to be despised, because otherwise life would become intolerable, since in our acts there almost never exists such moral certitude against which even light reasons of doubting do not fight.

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[74] Even the pagans themselves taught thus, for example, Cicero, saying: "They rightly command who forbid doing anything concerning which they doubt whether it is equitable or inequitable" (*De offic.* 1, 9). Pliny warns: "What you doubt, do not do" (*Ep.* 1, 18).

[75] St. Thomas, *Quodlib.* VIII, a. 13.

§ 2. On The Means For Solving Practical Doubt

331. If it is never licit to act with a practically doubtful conscience, it follows manifestly that a man existing in such a state ought either to lay aside the doubt or to desist from the action. But there exists a twofold way of

laying aside such doubt: one direct, the other indirect. Doubt is laid aside directly if, either through consultation of a wise man or of an approved book, or through one's own investigation into the truth of the matter, the mind finally assents to one or the other part with moral certitude. Hence if the confessor cannot solve some difficult case with certitude, he is bound, if time permits, to consult books or even learned theologians (with the sacramental seal nevertheless preserved). But if such a direct way is not possible, then the doubt must be laid aside indirectly through the so-called indirect principles, concerning which we shall immediately discuss. But if moral certitude cannot be had even in this way, and if the action also cannot be deferred, then the safer part is to be chosen. But the safer part is that which includes observance of the law and excludes the danger of sinning.[76]

[76] The worn rule: "in doubts the safer part is to be chosen," must be rightly understood. The safer part is sometimes understood as the more perfect part; thus, for example, in the religious life a man works out his salvation more safely than in the secular life. It is not required that the safer, i.e., the more perfect, part always be chosen. This is clear per se. - Sometimes to the safer part there is opposed a part that is not safe but sinful. Thus, for example, it is safer not to be in a proximate occasion of sinning than to be in it. The rule noted above holds in this sense, and indeed **a)** if there is question of any practical doubt, because it is never licit to act with practical doubt; **b)** if there is question of the doubtful validity of the sacraments or of a certain right of another or of things altogether necessary for salvation. Cf. below n. 333, where the reflex principle will be explained: "A doubtful law does not oblige."

332. Reflex principles. From the origin of Probabilism, direct principles are customarily distinguished, which immediately and per se produce either intrinsic evidence or at least evident credibility of some conclusion. Thus, for example, from the intrinsic and direct principle: "God, as supreme Lord, is to be worshiped," there follows immediately and per se: therefore any blasphemy is intrinsically evil. - Indirect or reflex principles are certain true and clear general norms which indeed do not directly and per se prove the matter whose truth is investigated, but nevertheless serve for driving away practical doubt and for obtaining moral certitude in a practical case. Therefore these principles as it were reflect their own light upon an obscure practical doubt and scatter its darkness for the moment of the action to be posited. If reflex principles are accepted in this sense, nothing prevents them, rightly understood and rightly applied, from being admitted.[77] For then they are very consonant with reason and similar to those 88 Rules of Law which were already in use under Boniface VIII. The more principal reflex principles are the following:

1. A doubtful law does not oblige.

2. In doubt one must stand for him for whom presumption stands.

3. In doubt the condition of the possessor is better.

4. A delict is not presumed, but must be proved.

5. In doubt favor is to be shown to the accused.

6. In doubt the presumption stands for the superior.

7. In doubt judgment is to be made from things ordinarily occurring.

8. In doubt one must stand for the validity of the act.

9. In doubt favors are to be enlarged and unfavorable things restricted.

10. In doubts, what is least is to be held.

Especially concerning the three prior principles, obscurities and falsities turn; hence it is helpful to explain them in a few words.

[77] St. Alphonsus deservedly says (*Theol. mor.* l. 1, n. 64): "It is certain and commonly explored among all doctors that moral certitude of some opinion, if it is not proved from some certain direct principle, is nevertheless proved from another reflex principle likewise certain."

333. 1. A doubtful law does not oblige. From the rise of Probabilism this principle caused very sharp controversies. Some, namely the more rigid Probabiliorists (Concina,[78] Patuzzi, etc.), reject it altogether, teaching that in doubt the safer part must be chosen. Others, namely the laxer Probabilists (Caramuel, Diana, Tamburini, Moya, etc.), on the contrary proclaim this principle as the philosopher's stone and apply it without any exception, whether there is question of the validity of the act or of its licitness, whether of strict doubt or broad doubt. But since the Holy See condemned this exaggerated application of the principle in some matters, hence moderate Probabilists indeed admit the principle, but do not extend it to the four following cases:

a) If there is question of the validity of the sacraments. For from the virtue of religion and charity, indeed sometimes also from the virtue of justice, the minister ought to administer the sacraments validly, because otherwise great irreverence is caused to God and great harm to the man receiving. Hence, unless grave necessity urges or unless the Church supplies the defect, it is a grave sin to administer a doubtfully valid sacrament. For this reason Innocent XI also proscribed proposition (1): "It is not illicit, in conferring the sacraments, to follow a probable opinion concerning the validity of the sacrament, the safer one having been abandoned, unless law, agreement, or the danger of incurring grave harm forbids this. Hence an opinion only probable is not to be used in the conferral of baptism, priestly order, or episcopal order."[79]

b) If there is question of things necessary for salvation, for example, of truths to be believed by necessity of means, of baptism to be received when someone doubts whether he was validly baptized, of the proximate danger of sinning, etc. For eternal salvation must be obtained and eternal damnation necessarily avoided; hence if there is question of danger to eternal life, the safer part must be chosen. Right love of self manifestly demands this. Even the "prince of the laxists" himself, Caramuel, teaches this.[80] Hence likewise proposition (4) was condemned by Innocent XI: "An unbeliever not believing, led by a less probable opinion, will be excused from unbelief."[81]

c) If there is question of a certain right of a third person. Hence in a civil case the judge is bound to render judgment according to the more probable opinion. The reason is that the judge is obliged from justice to settle the litigation according to objective truth without any acceptance of persons. But there would be manifest acceptance of persons if the judge, abandoning the certainly more probable opinion, judged according to the less probable opinion.[82]

But if the case of each litigant is equally probable, the judge is bound either to divide the controverted matter between them or to persuade them to an amicable settlement. Hence it is easily understood why the following propositions were condemned: "I probably think that a judge can judge according to an opinion even less probable."[83] "When litigants have opinions equally probable for themselves, the judge can receive money for rendering a sentence in favor of one rather than the other."[84] - When one part of the litigants already possesses the thing in good faith, then the adage must be applied: "The condition of the possessor is better." And so the thing is not to be adjudged away from the possessor unless the other party proves his right. - In a criminal case favor is to be shown to the accused as long as his crime has not been proved. Hence Rule of Law 11 in VI: "When the rights of the parties are obscure, favor is to be shown to the accused rather than to the plaintiff," and the Code of Canon Law, c. 1748, § 2, establishes: "If the plaintiff does not prove, the defendant is absolved."

d) If there is question of grave danger of spiritual or temporal harm (whether one's own or another's), which we ought to prevent from charity or from justice. Therefore a physician is bound to employ more certain and

safer remedies (when they can be had) and sins if without urgent necessity he employs doubtful remedies, so that the life of the sick person is endangered. Likewise it is illicit to take a drink that is doubtfully gravely poisonous.

These four exceptions, which, even the Probabilists themselves admitting it,[85] must be added to the famous principle, "A doubtful law does not oblige," show enough and more than enough that it is not so precious a philosopher's stone as certain Probabilists advertise it. But if that principle is understood with the clauses added, and if there is question of a true and serious doubt concerning the existence of a law, nothing prevents it from being applied to eliminate practical doubt.[86]

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[78] *De probabilismo* diss. 8, c. 3.

[79] Denz. n. 1151. John Lugo taught a similar proposition, *De sacr. in genere*, disput. VIII, n. 139 and 141.

[80] *Theol. fund.* n. 533.

[81] Denz. n. 1154.

[82] Cf. *S. theol.* 2, 2, q. 63, a. 4.

[83] Innocent XI (Denz. n. 1152).

[84] Alexander VII (Denz. n. 1126).

[85] Cf. Noldin-Schmitt, *De consc.* n. 236. The author nevertheless thinks that those four cases are not exceptions from the principle of probabilism. It is a quarrel about words.

[86] So also St. Alphonsus (*Theol. mor.* l. 1, n. 64). The difficulty nevertheless remains, when the law is truly doubtful.

334. 2. In doubt one must stand for him for whom presumption stands. This principle was already in use among the old Canonists[87] and Moralists and is the foundation of many others. Presumption is not unfittingly defined: an anticipated proof of a doubtful matter, drawn from valid arguments and indications. It is said: anticipated proof, because presumption before proper proof admits something as true until the contrary is clearly proved. The matter becomes clearer by examples: Someone comes under suspicion of a certain crime. But since up to now he has been a pious and just man, he is presumed innocent until the contrary has been proved. And therefore the principle related above in the fourth place establishes: "A delict is not presumed, but must be proved," or also: "Anyone is presumed good unless he is proved evil." - Another example: A subject doubts concerning the obligation and rightness of some command made by a superior. Nevertheless he ought to obey, because in doubts the presumption stands for the superior, whose authority is not weakened by the doubt of the subject. - A third example: Someone is accused of a certain crime, whose existence nevertheless cannot be clearly proved. In this case the presumption stands for the accused, and therefore he ought to be freed according to the reflex principle related above: "In doubt favor is to be shown to the accused." Nevertheless, if the indications of the guilt of the accused are so strong that they generate moral certitude concerning the crime committed, the penalty can be inflicted. - A fourth example: Some religious made profession, but afterward doubts whether he had sufficient intention and knowledge of the obligations which arise from profession. The profession is nevertheless valid according to the adage: "In doubt one must stand for the validity of the act." But the reason is that the presumption stands for the validity of the profession.

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[87] Cf. tit. 23 *de praesumptionibus* l. 2 *Decretal.*

335. 3. In doubt the condition of the possessor is better. This principle is the foundation of Equiprobabilism, and is briefly called the "principle of possession." With respect to the matter of commutative

justice, this principle is most true and was already pronounced by Alexander III, who, having been asked whether some church is bound to hand over tithes which are claimed by another church, responded that it is not bound, "because by divine and human right the condition of the possessor is better."[88] Benedict XIV calls the same principle a "worn adage."[89] But Billuart[90] assigns the following reasons why that principle is best in the matter of justice: "1. because, since men on the one hand, eager for things, are not accustomed to leave their own [things] with others, and on the other hand an upright man is not accustomed to acquire possession of some thing without a title, hence in doubt possession brings in a presumption: that he who possesses the thing is the owner of the thing; 2. because, since goods of fortune are subject to human power, legislators have established, in order to the common good, that in doubt the possessor can retain as his own the goods which he possesses, lest the ownerships of things remain uncertain and litigations be interminable." - But deservedly the principle of possession is extended by analogy also to other matters besides justice,[91] because Alexander III cited above attributed value to it in divine and human right. Hence St. Alphonsus continually applies it for discerning whether some law obliges or not. For law and human liberty can be considered as two possessors. Law possesses the force of obliging, and human liberty possesses the faculty of acting freely (with the order of the end nevertheless preserved). Hence according to this principle of possession, he who doubts whether he committed a grave sin, or whether a sin certainly committed is mortal, is not bound, strictly speaking, to declare acts of this kind in confession. For liberty possesses, as they say; for man is free from the obligation of confessing as long as he is not certainly guilty of mortal sin. - On the contrary, he who, certain of a mortal sin committed, seriously doubts whether he confessed it, is bound to confess it again. The reason is that the law possesses; for the law of confessing mortal sins certainly exists, and it is not satisfied by a doubtful fulfillment. Considered at first glance, this principle of possession seems to be very clear, but outside the matter of justice it suffers rather great difficulties, because often it is not established what possesses, namely whether liberty or law. But if it remains obscure whether law or liberty possesses, then let humanity and facility prevail, as St. Gregory Nazianzen says.[92]

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[88] It is found in c. 6, X 2, 26. Cf. also Rule of Law 65: "In an equal delict or case the condition of the possessor is stronger."

[89] Const. "Postremo mense" § 33, d. 28 Febr. 1747.

[90] *De consc.* diss. 6, a. 2, obj. 3.

[91] That this principle does not hold except in the matter of justice is taught commonly by Probabiliorists, for example, Billuart (l. c.); besides Azor, Vasquez, Salas, etc. On the contrary all Probabilists and Equiprobabilists extend it also to other matters, for example, Suarez, Lugo, Sanchez, Sporer, etc.; to whom modern authors commonly accede; cf. St. Alphonsus l. c. l. 1, n. 26.

[92] *Orat.* 39 *in sancta lumina* n. 19 (Migne, *Patr. graec.* 37, 358). See the sharp refutation of this principle applied in favor of probabilism in Concina, *De probabilismo* diss. 8, c. 2. Cf. also Bouquillon, *Theol. mor. fund.* n. 302.

336. Scholion. On the reduction of reflex principles to one. To one diligently considering the diverse reflex principles, it appears that in reality there is only one reflex principle, to which all the others are easily reduced, namely: "In doubt one must stand for that for which presumption stands." For, to pass over the principle, "A doubtful law does not oblige," which is altogether rejected by many, and which today is accepted by no one except with the limiting clauses brought forward above, all the other principles are nothing but corollaries deduced from the principle of presumption. For why in doubt is the condition of the possessor better? Because the presumption stands for the possessor. - Why in doubt must one stand for the validity of the act? - Because the presumption stands that an act once placed was placed rightly. - Why is a delict not presumed, but must be proved? - Because the presumption stands for the accused, since no one ought to be held evil unless it has been clearly proved. And so on. - Hence it is better and simpler if this principle alone of

presumption is applied for obtaining the moral certitude necessary in any particular act. For this principle is admitted by all; it is easily understood even by the uneducated; it is applied in the forum both civil and ecclesiastical; before the controversies about Probabilism arose it was applied by the Scholastics; and finally, with it rightly applied, it is right to hope that the difficulties, and especially the interminable and in practice altogether useless altercations among the diverse moral systems, will gradually cease.

Chapter VI. On the various moral systems

On The Various Moral Systems.[93]

[93] Almost innumerable books have been written on this matter from three centuries ago. Among authors of our time there seem to stand out Lehmkuhl, *Probabilismus vindicatus* (1906), Wouters, *De Minusprobabilismo* 3 (1918), Mandonnet, *Le Decret d'Innocent XI contre le probabilisme* (1903); Thom. Bouquillon, *Theol. mor. fundamentalis* (ed. 3, 1903) n. 296-317.

Article I. On The Notion Of The Individual Systems

337. Notion. By the name of moral system is understood a method of indirectly obtaining practical moral certitude in practical doubt. For since in human life so many diverse cases occur, and since very often a man remains uncertain what must be done by him, lest he commit sin, hence from about the end of the sixteenth century diverse norms were devised for solving practical doubts. Thence were invented, or rather proclaimed, those reflex principles about which there was discussion in n. 332 sqq. Both the Holy Fathers and the older Scholastics defended no fixed moral system, but solved individual practical questions according to the maxim adduced above: "In doubt one must stand for that for which presumption stands"; or: "In doubts the safer part is to be chosen." Worthy of special mention is St. Thomas, who did not solve the controversy, then much agitated, whether one cleric can have several benefices, by recurring to the principle, "A doubtful law does not oblige," but to the conscience of each benefice-holder and to the particular circumstances. Hence the Angelic Doctor concludes that it is licit to have several prebends, if the benefice-holder has a right intention and sufficiently satisfies the diverse offices.[94] - The first who thought out some moral system, and indeed the system of Probabilism, was Barth. Medina, O. Pr., a Spaniard, who in the year 1577, against the arguments brought forward by Soto, Cajetan, etc., writes these things: "It seems to me that, if an opinion is probable, it is licit to follow it, although the opposite is more probable."[95] He himself acknowledges, however, that the ancient doctors taught otherwise. Behold his words: "The most learned Soto explains this rather difficult question (*De iustitia* l. 3, q. 6) in this way: for he says that, although in speculative matters and in the academy it is sometimes licit to follow a probable opinion, the more probable one having been set aside, nevertheless in moral matters and in things which pertain to the right of a third party, it is not licit to follow a probable opinion, the more probable one having been set aside. Sylvester thinks the same (under the word 'Opinion,' c. 2), Conrad (in the book *De contract.* q. ult.), and, what moves more, Lord Cajetan in his *Summa* (under the word 'Opinion')." - But the words of Cajetan in the cited place are these: "In things to be done, unless by choosing the safer part, it is not licit to take the opinion of anyone as the rule of action, since by the very fact that the operation to be regulated is committed to opinion, it is committed to an ambiguous rule, because every opinion is ambiguous, as being with fear of the other part. And because it is presupposed that the safer part is not chosen, it follows that the operation is committed to an ambiguous rule with respect to the case of sin, and by this very fact is exposed to the danger of sinning, which it is clear is illicit. And if there is question of mortal sin, it is clear that it is a mortal sin: knowingly to do an operation doubtful whether it is mortal; since such a one acting prefers to fulfill his will in such a work, even if it is mortal, rather than to abstain from it." From these words it follows that Medina thought, and indeed rightly, that Probabilism had not previously

been expressly defended, but that theologians had rather taught that in doubt the safer part must be chosen. - The following moral systems are explained as being the better known:

[94] Cf. *Quodl.* 8, a. 13, and 9, a. 15.

[95] In 1, 2, q. 19, a. 6 (Venice 1580, p. 178 sq.).

338. 1. Rigorism or rigid Tutiorism teaches that the safer part must always be chosen, although the opinion favoring liberty is most probable. Thus Ioan. Sinnichius, a Louvain doctor (+ 1666), in his book *Saul exrex* lib. 1, c. 95, n. 357, and the Jansenists. - This system was condemned by Alexander VIII, who on 7 Dec. 1690 proscribed the proposition which Sinnichius seems to defend in the cited place: "It is not licit to follow an opinion, even the most probable among the probable."[96] - And deservedly! For if certitude strictly so called were always required in order to act licitly, and it were not licit to follow a most probable opinion, human life would become truly intolerable. Against these Rigorists the words of St. Peter could be brought forward: "Now therefore why do you tempt God, to impose a yoke upon the necks of the disciples, which neither our fathers nor we have been able to bear?"[97] The system of absolute Rigorism is now altogether obsolete and is now held by no one.

[96] Denz. n. 1293.

[97] Acts 15, 10.

339. 2. Mitigated Tutiorism teaches that it is licit to follow the less safe opinion favoring liberty, provided, however, that it is most probable. Thus some Louvain doctors, for example Steyart (+ 1701), Opstraet (+ 1720), and certain others, for example Henry of St. Ignatius (+ 1719), Cardinal Gerdil (+ 1802). - This system indeed has not been proscribed by the Church, but in our days it is deservedly rejected by all. For even according to it human life is made too hard, and unbearable burdens are bound upon the shoulders of the faithful, because, if a man is always bound to follow the safe opinion unless the other opinion is most probable, a way is opened to many anxieties. Besides, according to the opinion of St. Thomas and of almost all theologians, probable certitude, or certitude so called in the broad sense,[98] suffices for acting licitly. Moreover, if some opinion is manifestly more probable, it is now also morally certain, because then the reasons opposed to it are slight and therefore not to be attended to. For if truly grave reasons were opposed to this opinion, it would no longer remain manifestly more probable. Hence an opinion most probable is not always required for acting licitly.

[98] Cf. above n. 326.

340. 3. Probabiliorism teaches that it is licit to follow the less safe opinion favoring liberty, provided that it is manifestly more probable than the opinion favoring law. This system was very commonly admitted before Medina (cf. above), and was not obscurely commended by the Supreme Pontiffs Alexander VII, Innocent XI, Clement XI, Benedict XIV, as will be clear below in n. 345.

341. 4. Equiprobabilism is contained in this proposition: "In the concurrence of opposed opinions equally or almost equally probable, it is licit to follow the opinion favoring liberty whenever the doubt is about the existence of the law; but in a doubt of fact about the cessation of the law, the law continues to oblige."[99] The principal defender of this system is St. Alphonsus, who adopted it after the year 1761, although previously he taught pure Probabilism. Before St. Alphonsus this system was held by Eusebius Amort,[100] Rassler, Antonius Mayr, and certain others;[101] Billuart, O. Pr. (+ 1757), already attempts to solve the arguments of the Equiprobabilists. - Besides the Redemptorists, Konings, Marc, Ter Haar, Aertnys, Wouters, and also several others adopted this system, for example Scavini, Gousset, Pruner, Muller, Simar, etc., and from the Order of

Preachers Moran,[102] Saralegui,[103] Beaudouin, etc.[104] It agrees with Probabiliorism in this, that 1. a man ought to follow an opinion certainly more probable and favoring law, and that 2. he can follow an opinion certainly more probable and favoring liberty. But it differs from Probabiliorism with respect to opinions equally or almost equally probable, in which according to Probabiliorism the law must be observed; but according to Equiprobabilism a distinction is necessary by applying the principle of possession: if there is question of a doubt about the cessation of law, the law possesses, and therefore is to be observed (so also Probabiliorism teaches); but if there is question of the existence of law, then liberty possesses, and a man is not bound to observe such a law (Probabiliorism does not admit this). The matter becomes clearer by examples: On the night of Friday someone doubts what hour it is. It is equally probable that midnight has already passed and that it has not yet arrived. According to Equiprobabilism, then it is not licit to eat meats, because the doubt is about the cessation of law and therefore the law possesses. If entirely the same case with the same circumstances occurred on the night of Thursday, it would be licit to eat meats, because then liberty possesses. Another example: He who thinks that he has probably fulfilled the obligation of a vow he has made is not freed from the obligation. The reason is that a vow certainly made is not fulfilled by a doubtful fulfillment; therefore the vow possesses. Other examples: He who probably recited the Breviary, or paid the sacramental penance, or confessed his mortal sins, is again bound to perform those acts. The reason is the same: the law possesses, and a certain law is not satisfied by a doubtful fulfillment. Especially with respect to the confession of sins, Equiprobabilism differs from Probabilism, which does not oblige to confession if sins are: a) doubtfully grave; b) doubtfully committed; c) doubtfully confessed. Equiprobabilism, however, demands confession if mortal sins were doubtfully confessed, because then the law of confession possesses. On the contrary, he who with equal probability thinks that he made or did not make a vow is bound to nothing; he who with equal probability thinks that he did not commit some sin, or that the sin committed was not grave, according to the strict principle of Equiprobabilism is not bound to confession, because liberty possesses. In the two last cases, however, confession is counseled.

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[99] Cf. Aertnys-Damen, *Theol. mor.* I, n. 85.

[100] St. Alphonsus himself cites Eusebius Amort for his system (*Breve dissertazione dell' uso moderato dell' opinione probabile* 1762, apud Wouters, *de Minusprobabilismo* p. 50). But that St. Alphonsus taught Equiprobabilism and not pure Probabilism, at least from the year 1762, is historically certain and is manifestly drawn from the letters of the Holy Doctor; cf. below n. 347.

[101] Cf. E. Muller, *Theol. mor.* l. 1, § 81; Ter Haar, *De systemate morali antiquorum Probabilistarum* p. 21 sqq. (Paderborn 1894).

[102] *Theol. mor.* I, n. 128 sqq.

[103] *Comm. al P. Laraga* n. 96.

[104] *Tract. de consc.* (1911) p. 99, 138.

342. 5. Pure Probabilism teaches: Whenever there is present an opinion truly and certainly probable concerning the licitness of some act, it is licit to follow it, even if the opposite opinion is truly and certainly more probable and safer. But the probability of some opinion or sentence is that property of it by which, on account of the motives by which it is supported, it merits the assent of a prudent man, although with fear concerning the opposite.[105] This probability is divided in several ways:

a) Into internal and external. Internal probability is founded upon the very nature of the thing, its properties, causes, effects, and also upon the inconveniences of the opposite part. - External probability is taken from the authority of Doctors who hold this opinion. But such external probability is present not only if some opinion, with the Church tolerating it, is commonly or by most theologians held as probable, but also alpha) if five or six grave theologians think that opinion probable; beta) if even one Doctor of the Holy Church, such as St.

Thomas, St. Alphonsus, or another altogether eminent author, such as St. Antoninus, holds it as probable. - Concerning intrinsic probability none can judge except men very learned and versed in moral matters. For often to other men not so learned in Moral Theology something seems intrinsically probable and licit which nevertheless in reality is not so; as is clear, for example, concerning craniotomy, which several held to be licit if otherwise it is not possible to come to the aid of the life of the mother. - But concerning extrinsic probability a moderately learned man can judge, if he rightly understands the state of the question and has diligently inspected the authors treating of this question.[106] Extrinsic probability sometimes suffices for forming a right conscience and for acting licitly. For extrinsic probability is resolved into intrinsic probability, since grave authors would not consider some opinion probable except on account of grave motives. Hence the Angelic Doctor says that a man of little knowledge is made more certain concerning that which he hears from some learned man than concerning that which seems to him according to his own reason.[107] The same is clear from the response of the Sacred Penitentiary approved by Gregory XVI on 22 July 1831: "Whether a confessor is to be disturbed who follows all the opinions of St. Alphonsus in the practice of the sacred tribunal of penance for the sole reason that by the Holy Apostolic See nothing worthy of censure has been found in his works? In the negative." - Nevertheless, the authority of one author, who is not greater than every exception, does not suffice for gaining probability for some opinion. This is clear from the proposition condemned by Alexander VII: "If a book is by some junior and modern author, the opinion ought to be considered probable, so long as it is not established that it has been rejected by the Apostolic See as improbable."[108]

b) Into solid, doubtful, and slight. An opinion is called solidly or certainly probable when it rests upon a firm and grave motive; it is called doubtfully probable or even probably probable when one rightly doubts concerning the solidity of its motive; it is called slightly probable when it rests upon a light consideration, and therefore cannot draw to itself the assent of a prudent man.

c) Into absolute and comparative, or relative. Some opinion is called absolutely probable when its arguments, considered separately and in themselves, that is, independently from the opposite opinion, appear grave; but it is called comparatively probable when its arguments, compared together with the arguments of the opposite opinion, retain their gravity.[109]

Probabilism therefore teaches that it is licit to follow a truly probable opinion, which retains its probability even after a comparison has been made with the opposite opinion. It is necessary to acknowledge that this system is very simple and very clear. For whenever it is established that some opinion is probable, either intrinsically or extrinsically, it is licit to follow it in practice, taking no further care about another opinion more probable or safer. Probabilism as a system was first introduced by Bartholomaeus Medina, O. Pr.[110] Very many theologians favor Probabilism, both ancient and especially modern, whom it would be long to cite here all together. Thus, for example, from the Order of Preachers are cited: Ludovicus Lopez (+ 1596), Dominicus Bannez (+ 1604), Ioannes a S. Thoma (+ 1644), Bartholomaeus Ledesma (+ 1604), etc.; from the Order of Franciscans: Reiffenstuel (+ 1703), Sporer (+ 1714), Elbel (+ 1756), etc.; from the Order of Carmelites: the Salmanticenses. Almost all theologians of the Society of Jesus adhere to Probabilism, for example Toletus, Suarez, Lugo, Laymann, Lacroix, Gury, Ballerini, Lehmkuhl, Noldin, Genicot, etc., and very many theologians from the secular clergy, for example Gopfert, Bouquillon, Schindler, Tanquerey, etc. The principal argument for Probabilism is the principle: "A doubtful law does not oblige."[111]

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[105] Thus Noldin, *De consc.* n. 223.

[106] Cf. Aertnys-Damen l. c. I, n. 78.

[107] *S. theol.* 2, 2, q. 4, a. 8 ad 2.

[108] Denz. n. 1127.

[109] Cf. Aertnys-Damen l. c. I, n. 75.

[110] In his commentaries on *S. theol.* 1, 2, q. 19, a. 6. Medina poses the question: "Whether we are bound to follow the more probable opinion, the probable one having been set aside, or whether it is enough to follow a probable opinion?" - First he brings forward arguments for Probabiliorism and then responds: "Certainly the arguments seem excellent, but it seems that if there is a probable opinion, it is licit to follow it, although the opposite is more probable. ... An opinion is called probable from the fact that we can follow it without reproach and blame. Therefore it implies a contradiction that it be probable and that we cannot follow it licitly. For an opinion is not called probable from the fact that apparent reasons are adduced in its favor, and that it has assertors and defenders; for in that way all errors would be probable opinions; but that opinion is probable which wise men assert and the best arguments confirm, which to follow is nothing improbable." - Cf. also the work of the same author: *Breve instruccion de como se ha de administrar el sacramento de la penitencia*, Salamanca 1580. Sometimes already St. Antoninus is cited by authors as a Probabilist, but altogether falsely. Rather, St. Antoninus favors Probabiliorism, saying: "With a good conscience someone can hold one part of some opinion and operate according to it, which namely has notably equal doctors for itself ... when ... he forms for himself a good conscience and credulity concerning that which he believes as concerning the more probable part" (*S. theol.* P. 1, tit. 3, c. 10, § 10).

[111] Cf. below n. 349.

343. 6. Lax Probabilism, or simply Laxism, teaches that it is licit to follow not only an opinion truly and certainly probable, but also an opinion probably or slightly probable. This system indeed seems to have been taught by Thomas Tamburinus (+ 1675), who explained his opinion in this naked and crude manner: "Absolutely I think, with Salas, Vasquez, Sanchez, Merolla apud Bardi (*de consc.* dist. 1, c. 6, to whom add Pasq. dec. 18), that it is enough in all cases that it be established probably that an opinion is probable; for then that truth, morally certain, will be sufficiently strengthened, directing me in about this manner: I here and now act prudently, because while I probably think that this is probable, I follow that judgment in practice prudently enough. For the fact that the opposite is evidently more probable does not cast down my opinion from its probability."[112] Ioannes Caramuel (+ 1682), who was called by St. Alphonsus "the prince of the laxists," expressed the same opinion under these words: "If opinions are now probable which previously were not, now men do not sin, although previously they sinned, since every probable thing excuses from sin."[113] Contemporary with Caramuel was another Probabilist indulging somewhat in Laxism, namely Antonius Diana, a Theatine (+ 1663), concerning whom St. Alphonsus writes:[114] "Diana, in selecting opinions, for the most part inclines toward the benign part, and not rarely inclines more than is fitting." - Diana is a pure Casuist (he was called "the Atlas of the casuistic world"); he brings forward the opinions of almost innumerable authors and then solves individual cases in a casuistic manner. Although in other matters he is found not rarely too benign, nevertheless concerning sins of lust he sometimes defends rather rigid opinions. - Besides the authors cited, Ioannes Sanchez (+ 1624), Stephanus Bauny (+ 1649), Matthaeus Moya (+ 1684), whose work *Quaestiones selectae* was placed on the Index on 26 Feb. 1704, favored Laxism. Indeed, a work of the same author, which he published under the pseudonym "Amadaeus Guimenius" and whose title is *Opusculum singularia universae fere theologiae moralis complectens adversus quorundam expostulationes contra nonnullas Iesuitarum opiniones morales* (Lyons 1664), was proscribed by a special Brief of Innocent XI on 16 Sept. 1680 and therefore prohibited under pain of excommunication. - Among the Laxists Escobar y Mendoza (+ 1669) also is sometimes named, and in reality he defended some opinions too indulgent; nevertheless he did not merit the too vehement attacks made by Blaise Pascal in the *Lettres Provinciales*. - In present times no Catholic theologian favors Laxism. Besides, this system has been proscribed by the Church; for Innocent XI condemned proposition (3): "Generally, while trusting in intrinsic or extrinsic probability, however slight, provided one does not go outside the limits of probability, we always act prudently."[115] But Alexander VII, in the decree issued on 24 Sept. 1665, proclaimed: "That lax mode of opining is altogether foreign to evangelical simplicity and to the doctrine of the Holy Fathers; and if the faithful were to follow it in practice as a right

rule, a great corruption of Christian life would creep in." Hence, as St. Augustine says very well, "it is better to love with severity than to deceive with leniency."

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[112] *Explicatio decal.* l. 1, c. 3, § 3, n. 8.

[113] Cf. E. Muller, *Theol. mor.* I, § 78, where this citation is found. This Caramuel taught several opinions which, while he was still living, were proscribed by the Church; for example: "It seems so clear that fornication according to itself involves no malice and is evil only because it is forbidden, that the contrary seems altogether dissonant from reason." Innocent XI condemned this proposition on 2 March 1679 (Denz. n. 1198).

[114] *Theol. mor.* l. 6, n. 257. In mockery Diana was called "the lamb who took away the sins of the world" (so Concina, *Apparatus ad Theol. christ.* l. 3, diss. 1, c. 2, *de Probabilismo*).

[115] Denz. n. 1153.

344. 7. The system of compensation or of sufficient reason. Since all the systems explained up to this point suffer no small difficulties, certain authors[116] devised a new system, which they called the system of compensation or of sufficient reason. The hinge of every difficulty in all the systems is the question whether and how far a doubtful law obliges. Pure Probabilists say simply: a doubtful law in no way obliges, at least if there is question of the mere licitness of an act. But all other theologians do not admit this, conceding some obligation to a doubtful law, although they do not hold concordant opinions concerning the degree of that obligation. Probabiliorists assert: a doubtful law obliges unless the contrary opinion is truly more probable. Equiprobabilists contend for this same thing, yet at the same time admitting that a doubtful law then does not oblige, when the doubt turns upon the existence, not however upon the cessation, of the law, and the opinion is almost equally probable. The new system of compensation or sufficient reason wishes to define otherwise the limits of an obliging doubtful law. Against Probabilism it vigorously defends that a doubtful law obliges in some way, although imperfectly. But against the Probabiliorists it does not vindicate for a doubtful law as much obligation as a certainly known law has. For the obligation of a law must be measured from the degree of knowledge, and therefore a certainly known law obliges in a perfect manner; a law wholly unknown obliges in no way; but a law known in an imperfect manner obliges imperfectly. Therefore of itself it is not licit to act against a law imperfectly known, such as a doubtful law is. Nevertheless cases can easily occur in which there are grave motives for acting against a doubtful law, for example, a penitent favoring pure Probabilism absolutely wishes to follow a probable opinion, the more probable one having been set aside, or if a benign probable opinion is more advantageous for the spiritual salvation of the penitent than the more probable opinion, all the circumstances having been considered. In cases of this sort there remains the danger of transgressing the law at least materially. But since even a material transgression of law is something evil, it is not licit to expose oneself to such a danger without a sufficient reason. Hence in such a case the principles concerning cooperation in evil, or rather concerning the indirect voluntary, must be applied. For a cause is placed, from which a double effect follows: one good, namely liberty in action; the other evil, namely the danger of transgressing the law at least materially. But among the conditions required for cooperation or for the indirect voluntary there is required a grave and proportionate cause. The greater the evil effect foreseen is, the greater an excusing cause is required. Therefore, in order to know whether it is licit in a particular case to act against some doubtful law by following the less probable opinion, the more probable one having been set aside, the gravity of the law and the probability of the opposed opinion must be weighed. The graver the law is, and the more probable its obligation is in the actual case, the greater an excusing cause is required.[117]

This system of compensation or sufficient reason has been devised rather ingeniously, nor does it in any way lead to Tutiorism, as Gury[118] and other Probabilists wish; on the contrary, this system certainly does not lead

more to Tutiorism than pure Probabilism draws toward Laxism. For, as Tanquerey deservedly notes:[119] "For just as the Probabilists avoid Laxism by rejecting the sufficiency of an opinion slightly probable, so likewise the Compensationists escape Tutiorism by asserting that a doubtful and uncertain law does not oblige except when a sufficient reason for transgressing it is altogether lacking, and that an altogether slight cause excuses from a very doubtful law." - Indeed, the Probabilists themselves of better reputation in practice never permit the violation of some doubtful but truly probable law without some sufficient reason. For it would be too absurd, without any motive, to care nothing at all about some truly probable law, indeed about one more probable.

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[116] Potton, *De theoria probabilitatis*, Paris 1874. L. Lehu also favors this system (*Philos. mor. et soc.* I [Paris 1914] 287). In addition Laloux, *De actibus humanis*; Boisdron, *Theorie et systemes des probabilites*; Mc Donald, *The principles of moral science.*

[117] Cf. Potton l. c. 30.

[118] *Casus conscientiae* I 61.

[119] *Synopsis Theol. mor. de conscientia* n. 416.

Article II. Judgment concerning the individual systems

Judgment Concerning The Individual Systems.

Absolute Rigorism and Laxism have been condemned by the Church, as is clear from what was said above. Mitigated Tutiorism also must be rejected, since it is a) too hard; b) not sufficiently proved; c) impossible in practice, at least for simple faithful. For this reason this system has today become altogether obsolete. - Hence concerning the four remaining systems alone does judgment remain to be made here. With the greatest sincerity with which we can, we set forth the reasons and difficulties of each system.

§ 1. On Probabiliorism

345. Reasons for Probabiliorism. a) From authority. There is no other system which is supported so strongly from authority as Probabiliorism. For before the controversies about Probabilism arose, several Supreme Pontiffs seem to have given decisions according to the principles of Probabiliorism. Thus, for example, Innocent III,[120] treating of a violated censure, says: "Although in this he does not seem to have been altogether culpable, nevertheless, because in doubts the safer way is to be chosen, he ought rather to have abstained than to handle the ecclesiastical sacraments." Therefore the Pontiff does not say: a doubtful law does not oblige, but rather the contrary. Eugenius I,[121] Clement III,[122] and Clement V have similar things, the last of whom says: "We, attending to the fact that in those things which regard the salvation of the soul, in order to avoid grave remorse of conscience, the safer part is to be held."[123] After Bartholomaeus Medina introduced the system of Probabilism and obtained very many followers, the Supreme Pontiffs did not cease to put forward salutary warnings against it. Alexander VII in the Decrees of 24 Sept. 1665 and 18 March 1666 proscribed 45 propositions excerpted from books of the Probabilists.[124] But Innocent XI manifestly favored Probabiliorism, who in the celebrated Decree of 26 June 1680 commanded Thyrsus Gonzalez, Praepositus General of the Society of Jesus, "that he himself freely and intrepidly preach, teach, and defend with the pen the more probable opinion, and also vigorously attack the opinion of those who assert that, in the concurrence of a less probable opinion with a more probable one so known and judged, it is licit to follow the less probable, and let him be made certain that whatever he does and writes in favor of the more probable opinion will be pleasing to His Holiness. Let it be enjoined upon the Father General of the Society of Jesus by order of His Holiness that he not only permit the Fathers of the Society to write for the more probable opinion and attack the

opinion of those asserting that, in the concurrence of a less probable opinion with a more probable one so known and judged, it is licit to follow the less probable; but also that he write to all the Universities of the Society that the mind of His Holiness is that each one, as it shall please him, freely write for the more probable opinion and attack the aforesaid contrary one; and let him command them that they submit themselves altogether to the mandate of His Holiness."[125] And when Matthaeus Moya, under the pseudonym "Amadeus Guimenius," had written a little work for defending the opinions of the Probabilists, this little work, already previously placed on the Index, was again condemned, and indeed by a special Brief of Innocent XI on 16 Sept. 1680.[126] - Clement XI in the year 1702 wrote to Thyrsus Gonzalez: "The Superiors of the Society will do a thing most pleasing to His Holiness if they see to it that the Jesuits abstain from teaching and defending the opinion which asserts that the use of an opinion less probable and less safe is licit, since it has been ascertained by His Holiness that this is altogether expedient for the safety and honor of the Society."[127] Likewise Benedict XIV favored Probabiliorism, who warned the confessor "that he embrace that opinion which he shall have known to be more supported by reason and favored by authority."[128] Besides, the same Pontiff ordered that the theology of Fr. Antoine, S.J., a vigorous Probabiliorist, be expounded in the Seminary of Propaganda Fide. Clement XIII on 26 Feb. 1761, through a Decree of the Holy Office, condemned a sheet containing several theses favoring the system of Probabilism; indeed, the proposition, "Probabilism was supremely familiar to Christ the Lord," he specially condemned as erroneous and proximate to heresy.[129] - From all these things it clearly appears how rightly Thyrsus Gonzalez wrote in the supplicatory little book offered to Clement XI in the year 1702: "It is certain that the Apostolic See has always inclined more toward the opinion contrary to Probabilism." The same is thought by Mausbach, Sawicki, Koch, Schmuckenschlager, Liese, Vinati, and very many others among the moderns.[130] Hence it is also manifestly evident - which I would wish to be noted in passing - how undeservedly and calumniously Dollinger-Reusch,[131] Harnack,[132] Hoensbroech,[133] and several others reproach the Catholic Church with having fostered lax moral doctrines. - Bartholomaeus Medina himself candidly confessed that his doctrine concerning Probabilism differed from the doctrine of the old authors; and in reality, up to this point no author could be adduced who clearly taught Probabilism before the sixteenth century. For the old authors, who are sometimes alleged as favorers of Probabilism, such as Lactantius, Basil, Gregory Naz., Augustine, Antoninus, Ioannes Nider, etc., when inspected more diligently rather favor Probabiliorism.[134] This is especially true of St. Antoninus and of Ioannes Nider.[135] - The first who seems to have expounded the principle of Probabiliorism clearly enough is Guilielmus Antisiodorensis, who flourished around the year 1230. He writes in the treatise on pollution: "That masterly rule, that one doubting about something whether it is illicit, and doing it while the doubt stands, sins because he commits himself to danger, must be understood of such a doubt as is vehement, and leads the mind more, or at least equally, to believe that it is mortally illicit, as that it is licit. It is otherwise where the mind inclines more and judges that it is licit than that it is illicit, although it does not have evident or fixed certitude in every way, because even this itself is not required." - For Probabiliorism among the old authors are cited: Alexander Halensis, Petrus de Tarantasia, Durandus, Petrus de Palude, Silvester Prierias, Cajetan, Franciscus de Victoria, and almost all theologians from the Order of Preachers, to which, assembled in General Chapter, Alexander VII in the year 1656 very much commended that its members fight for Probabiliorism.[136]

b) From reason. 1. In doubts the safer part must be chosen, at least if this is morally possible. For so teach not only great authors, but also many texts of the Decretals.[137] But Probabiliorism is much safer and always chooses the safer part insofar as this is morally possible and necessary. Therefore Probabiliorism is the system to be preferred. The minor is proved: it is safer to follow the law than, the equally and truly probable law having been set aside, to follow liberty, as all admit. But Probabiliorism teaches that the law must always be followed, unless the opinion favoring liberty is certainly more probable; for if the opinion favoring liberty is

certainly more probable, there exists a very small danger of violating the law. But a little is accounted as nothing, as the common adage says. - Nor should anyone say that Tutiorism is still safer than Probabiliorism and therefore that it must be followed; for, granted that Tutiorism is safer, it is impossible in practice, all admitting it. But no one is bound to the impossible.

2. Where the truth cannot clearly be found, we are bound at least to embrace that opinion which approaches nearer to the truth. Hence Rule of Law 45 in VI says: "In obscure matters we look at what is more like the truth." But Probabiliorism approaches nearer to the truth, since it follows either the safe opinion or the manifestly more probable opinion. Therefore Probabiliorism is to be preferred among the diverse systems. See several other arguments apud Billuart.[138]

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[120] c. 5, X 5, 27.

[121] c. 3, X 4, 1.

[122] c. 12, X 5, 12.

[123] c. 1, V 11 in Clem.

[124] Denz. n. 1101-1145.

[125] On the history of that Decree see Mandonnet, O. Pr., *Le Decret d'Innocent XI contre le Probabilisme*; Wouters, C.SS.R., *De Minusprobabilismo* 2, 41; Brucker, S.J., in *Etudes* t. 86, 778 and t. 91, 831.

[126] Cf. *Index libr. proh.*, word "Guimenius," and Hurter, S.J., *Nomencl. lit. Theol. cath.* IV 611.

[127] Apud Wouters l. c. 36.

[128] *Lettera circolare a tutti i Patriarchi ... sopra la preparazione all' anno santo*, d. 26 June 1749, n. 20.

[129] This whole Decree is alleged by St. Alphonsus, *Theol. mor.* l. 1, n. 84, ed. Gaude. It is strange that it is not found in Denzinger-Bannwart, *Enchiridion.*

[130] See the individual testimonies apud Wouters l. c. 41. Thus, for example, the Tubingen Professor Ant. Koch writes: "Rome did not condemn Probabilism, but visibly favored the doctrine of the more probable opinion" (*Deutsche Literaturzeitung*, 3 Sept. 1904).

[131] *Geschichte der Moralstreitigkeiten*, Nordlingen 1889.

[132] *Lehrbuch der Dogmengeschichte.*

[133] *Die ultramontane Moral.*

[134] Cf. Billuart, *De consc.* diss. 6, a. 1.

[135] Ioannes Nider, O. Pr., in his excellent book, whose title is *Consolatorium timoratae conscientiae* (P. 3, c. 1), expressly adopts the opinion of Blessed Albert and relies on almost the same words as St. Antoninus, who certainly favors Probabiliorism. Behold his words: "When, therefore, in some moral matter there are various and contrary opinions, he who would adhere to the opinion of the broader way seems to expose himself to the danger of mortal sin, because in doubt, since that opinion can be false and the contrary true." Then St. Antoninus responds that he who acts in strict doubt really sins. "But by acting against such a [slight] doubt one does not sin, while he adheres to the opinion of some doctor and has more probable reasons for it than for the opposite opinion" (*S. theol.* P. 1, tit. 3, c. 10, § 10). - What can be said more clearly?

[136] *Acta capitulorum Gen. O. P.* ed. Reichert vol. VII, p. 403. For the testimonies of individual authors see Concina, *De Probabilismo* diss. 1 and 2.

[137] Cf. above. - The Decretals have it thus at least seven times: c. 3 X 3, 43; c. 3 X 4, 1; c. 12 X 5, 12; ib. c. 18 and c. 24; c. 5 X 5, 27; Clem. l. 5, tit. 11, c. 2.

[138] L. c.

346. Difficulties. 1. The fundamental rule itself of Probabiliorism is not so certain. For this rule establishes: In doubt it is licit to follow the more probable opinion, the less probable opinion for the law having been set aside. But this rule cannot be proved certainly except by an argument taken from invincible ignorance of the law. Yet this same argument seems almost equally to prove the principle of Probabilism: a doubtful law does not oblige; which nevertheless the Probabiliorists reject.

2. Probabiliorism is almost impossible in practice. For a) it can cause conflicts between the confessor and the penitent; because, if the penitent wishes to follow a probable opinion, the more probable one having been set aside, the confessor is bound to absolve him. Thus the opinion which St. Alphonsus calls common and to be followed, citing more than thirty authors for it.[139] But the reason is that the confessor is not the competent judge of opinions, but only of the disposition of his penitent. But the disposition of the penitent consists in true contrition for sins committed and in the sincere purpose of not sinning in the future. Therefore a Probabiliorist confessor is sometimes compelled to act against his own system. - b) Sometimes a benign probable opinion is much more useful for the spiritual salvation of the penitent than a rigid more probable opinion. For not rarely, on account of a rigid opinion imposed on him by the confessor, a penitent is altogether deterred from receiving the sacraments and thus grows foul in sins. Hence today perhaps there is no confessor who applies all the logical consequences of Probabiliorism in the practice of the penitential tribunal, or who follows the opinion of Billuart saying: "If the opinion of the penitent is certainly less probable and the penitent recognizes it as such and wishes to follow it, the confessor ought to deny him absolution as indisposed, even if he says that he is a probabilist."[140]

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[139] *Theol. mor.* l. 6, n. 604. The Holy Doctor leads the opposite opinion to absurdity in this way: "Two confessors have two contrary opinions, each of which appears more probable to itself; if one wished to confess to the other, this one would have to lay aside his opinion, taking his intellect captive, so that he might obey his confessor constituted as his judge. Conversely, however, if afterward the other were to confess to this one, this second confessor would have to resume his opinion, which appears to him more probable; for then he would have to judge according to his own proper judgment and would have to oblige him to lay aside the opinion which he had previously imposed on him as to be followed. And behold a comedy worthy of laughter, which would occur daily among confessors. Who has thought that Christ the Lord wished to oblige confessors and penitents to these burdens in the sacrament of Penance?" Cf. nevertheless Lugo, *Respons. mor.* l. 1, dub. 26 (Paris edition 1869, tom. 8, p. 40).

[140] *De consc.* diss. 6, a. 4.

§ 2. On Equiprobabilism

347. Arguments for Equiprobabilism. a) From the authority of St. Alphonsus. Without any prudent doubt St. Alphonsus de Ligorio, Doctor of the Church, defended this system, and before him already certain other theologians, and after him several theologians, and those most noble, both Redemptorists and outsiders, as was said above. But those modern theologians who by right and wrong contend that St. Alphonsus was a pure Probabilist waste oil and labor.[141] For the Holy Doctor himself in express words affirms not once but several times that he is not a Probabilist, but reproves Probabilism.[142] But whether St. Alphonsus was always an Equiprobabilist, or only from the year 1762, theologians are not agreed.[143] In moral matters, however, the authority of St. Alphonsus is very great, as is clear from what was said above in n. 7.

b) From reason. Equiprobabilism differs little from Probabiliorism. The only difference consists in this: that it admits liberty of acting and excuse from the observance of law when a strict doubt is present concerning the existence of a law, against which equally probable reasons militate. Probabiliorism indeed does not admit this. But since this difference is of little moment, almost all the arguments which are brought from reason for Probabiliorism are valid also for Equiprobabilism. In addition, the following argument is added: If there is

question of equally or almost equally probable opinions, a doubt strictly so called is present, in which the mind remains uncertain and properly assents to neither contradictory part. But the law in that case is so doubtful that it merits no assent and produces no obligation. The same argument is proposed in this way by Wouters:[144] "Since an opinion which favors liberty is equally probable as the opinion which favors law, directly there is given no reason on account of which one rather than the other ought to be assumed as the norm of acting, nor can an indirect reason be assigned on account of which the preceptive ordering, or duty, should be favored rather than the permissive ordering, or right. But where the matter stands thus, it is licit, with attention given to the benignity of God Almighty, to suppose that the more benign opinion, that is, the one which favors liberty, is to be held as the norm."

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[141] Almost all authors who are attached to no school candidly testify that St. Alphonsus taught Equiprobabilism at least from the year 1762. Hence Bellesheim deservedly says: "Since the letters of the Saint have been available, it should no longer be disputed that from 1762 until his death he continuously presented and steadfastly defended Equiprobabilism as his doctrine, and indeed not out of mere caution, but from conviction and impulse of conscience." Ant. Koch says: "Liguori was generally regarded as an Equiprobabilist until in the year 1863 A. Ballerini, S.J., first attempted to prove that the Saint had been a simple Probabilist. The fact ... can be misunderstood and denied only by one who works in the interest of a party" (apud Wouters, *De Minusprobabilismo* 56). - Francois de Paul Blachere says: "The probabilists have taken the habit of placing themselves under his patronage, but how wrongly!" (*Revue Augustinienne* 1905, 484.)

[142] Thus St. Alphonsus writes in the letter to Remondini on 30 June 1768: "I reject the opinion that it is licit to follow a known less probable opinion, as Busembaum, Lacroix, and almost all the Jesuits say, who admit the less probable opinion." And in the letter of 9 December 1759 he writes: "The Jesuits commonly defend that we can follow a less probable opinion; but I defend that when the opinion favoring the law is known to be more probable, we ought to follow this and it is not licit for us to follow the less probable; concerning which matter the Jesuits have complained to me." (See several other similar places apud Wouters l. c. 53 sqq.)

[143] "St. Alphonsus never firmly adhered to Probabilism, and he followed that system from obedience rather than from his soul; and this is so true that, when the Holy Doctor was in the greatest danger of life in the year 1756, that one thing cast fear into him, that he had patronized Probabilism. In the year 1756 - so Melchionna narrates, who had seen and heard the matter in person - our Blessed Father had fallen mortally ill within Holy Week. When he had recovered a little from the illness, our whole Nocera family came to him rejoicing. Then Alphonsus spoke thus: In this supreme danger of life into which I was brought there was nothing that held me disturbed and anxious. This alone cast fear into me, namely that I followed the probable opinion; but the obedience which had to be given to the director required that" (apud Wouters l. c. 49-50).

[144] L. c. 147.

348. Difficulties against Equiprobabilism. Since, as appears from what was said above, there is so small a difference between Probabiliorism and Equiprobabilism, all the difficulties by which the former labors press upon the latter. Besides, the fundamental principle of Equiprobabilism, "In doubt the condition of the possessor is better," is indeed true in the matter of justice, and perhaps can also be applied in other matters, as is clear from what was said above; but the application which Equiprobabilism makes of it does not seem always to be right. For if a law is strictly doubtful, that is, if equally grave reasons persuade its obligation or disobligation, liberty always possesses, which by nature and reason seems to precede law. Hence in that case to distinguish between the cessation and the existence of the law is superfluous. For in strict doubt one must stand for that for which presumption stands. But the presumption stands for liberty until the obligation of the law has at least been made probable. - Finally, he seems to commit an inconsistency who teaches that the confessor ought to absolve a penitent who wishes to follow an opinion less probable and less safe, and yet on the other hand establishes that it is not licit to follow a less probable opinion in concurrence with a more probable one. But thus teach St. Alphonsus[145] and all the Equiprobabilists after him.[146] Hence the Probabiliorists, such as Billuart, proceed more logically, who reprove this mode of acting on the part of the confessor.

[145] *Theol. mor.* l. 6, n. 604.

[146] Cf. above n. 346.

§ 3. On Pure Probabilism

349. Reasons for pure Probabilism. Since among modern Probabilists Noldin, S.J., stands out, we give here his arguments, which otherwise do not differ from the argumentation of other Probabilists.[147]

1. From reason. A doubtful law does not oblige. But a law against which there is true and solid probability is truly doubtful. Therefore a law against which there is true and solid probability does not oblige. To prove the major, the worn arguments are applied, namely, a doubtful law is a law not sufficiently known, is uncertain, and the right of liberty precedes the right of law and its obligation. - But the minor is proved in this way: as long as the opinion for liberty is probable, the opinion for law cannot be certain. But it makes no difference whether this opinion for law is less, equally, or more probable, provided the opinion for liberty is probable.[148]

2. From authority. "A moral system cannot be false which in every time (!) is expounded, vindicated, and applied in particular questions as a rule of morals by the greater part of theologians, of which sort is the Probabilistic system" (l. c. n. 240).

3. From the approbation of the Church. Explicitly indeed the Church has never approved Probabilism; but implicitly she has manifested her mind clearly and without doubt by that special approbation with which she distinguished the works of St. Alphonsus (who several times explicitly and in express words said that he was not a Probabilist, and who explicitly rejects the system teaching that it is licit to follow a known less probable opinion, "as Busembaum, Lacroix, and almost all the Jesuits say"[149]). Nevertheless Noldin says:[150] "The system which St. Alphonsus used in composing moral theology is pure and simple Probabilism." And he confidently concludes:[151] "It is licit to follow an opinion truly probable for liberty in all cases of doubtful law, whether the opposite opinion for law is less or equally or more probable.... The probabilistic principle, altogether universal, extends itself not only to the doubt of an existing law, but also of a ceasing law... [and] can also licitly be applied in the matter of justice.... Nothing prevents someone from using, in diverse cases concerning the same matter, according to pleasure, now one, now another probable opinion.... Thus the same person can, for one testament, use the opinion by which a testament lacking the formalities of law is valid, and for another testament the contrary opinion."

[147] *Summa theol. mor. de principiis* n. 237 sqq.

[148] St. Alphonsus expressly denies this last point; cf. *Theol. mor.* l. 1, n. 65.

[149] Cf. above n. 347.

[150] L. c. n. 239.

[151] L. c. n. 241 and 242.

350. Difficulties against pure Probabilism. 1. The whole of Probabilism is founded upon the principle, "A doubtful law does not oblige," even if there is question of doubt broadly so called. But this foundation is by no means solid, nor is it sufficiently proved from reason or from authority. Not from reason: for the Probabilists attempt to prove this principle by no other arguments than the following: such a law is not sufficiently known, or is uncertain, or is invincibly unknown, and therefore it does not oblige. "But this argumentation is not pleasing: both because it involves a begging of the question, and because it can be turned back against the authors thus: an ordering permitting, not sufficiently known or uncertain or invincibly unknown, confers no

right; or: moral liberty not sufficiently known or uncertain or unknown is to be reckoned as nothing."[152] Not from authority: for the old authors, when they assert, "In doubts liberty," speak of doubt strictly so called, where the mind is inclined to neither part of the contradiction, but not of doubt broadly so called, where, on the contrary, they teach that that which is safer must be chosen.[153] Besides, not even the new Code of Canon Law admits without limit the principle: a doubtful law does not oblige. For c. 15 establishes: "Even invalidating and incapacitating laws do not urge in a doubt of law; but in a doubt of fact the Ordinary can dispense in them, provided there is question of laws in which the Roman Pontiff is accustomed to dispense." But for what is a dispensation of the Ordinary still required, if according to the Probabilists no doubtful law obliges?

2. Noldin asserts too boldly that Probabilism has been approved by the Church. If anyone considers without party zeal the testimonies brought forward above, especially from Alexander VII, Innocent XI, Clement XI, Clement XIII, he will rather be convinced of the contrary, thinking with Professor Koch and many others that the Church never favored Probabilism. Nor can it truly be said that the Church approved Probabilism by approving the moral works of St. Alphonsus, for that Holy Doctor expressly rejects pure Probabilism. Therefore at most it can be said that the Church tolerates Probabilism.

3. Pure Probabilism was unknown before Medina.[154] Moreover, it is dangerous to apply some system which through sixteen centuries in the Church was neither known nor applied. For it is altogether incredible that all the so-called ancient Summists, who wrote Manuals for the practical use of confessors, erred concerning the right solution of practical doubt; or also that all confessors, as many as there were in the world, did not act rightly in this matter until Bartholomaeus Medina most happily discovered Probabilism.

4. Pure Probabilism leads to Laxism. This proposition is proved: a) from history. For no one can deny that several Probabilists, and those excellent in talent, such as Tamburinus, Moya, Caramuel, Diana, etc., in reality taught lax opinions and afterward were proscribed by the Supreme Pontiffs. - b) from reason and the nature of the thing. For if the mere external or internal probability of some opinion now suffices for it to be licitly brought into practice, disastrous errors are almost inevitable. For how easily someone, not to say a layman, but even a cleric theologian, persuades himself that some opinion is truly probable! Did not only Catholic physicians, but also celebrated theologians in our times think that craniotomy was probably licit, if otherwise the mother and infant would have to die? - If in a matter of such great moment an error crept in, can the same not happen in other matters not so momentous? Therefore if someone always in his actions followed the principles of Probabilism, that is, if he left behind the opinion known as certainly more probable and followed the opinion favoring liberty certainly less probable and safe, he would gradually slide into Laxism. Hence Noldin himself, a Probabilist, acknowledges:[155] "If a Christian man in the service of God did nothing other than what the law strictly demands from the principles of Probabilism, certainly he would live a life little worthy of a Christian man." Moreover, a system which, its own patron admitting it, leads, although gradually, to a life little worthy of a Christian man has already been judged. The system of Christian prudence, about which presently, avoids the dangerous rocks of Probabilism.

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[152] Cf. Wouters, *De Minusprobabilismo* 2, 147.

[153] Cf. the arguments brought forward above (n. 345) for Probabiliorism.

[154] There is no leisure to refute the trifles and ineptitudes of Caramuel, who at length and breadth attempts to prove that Probabilism had already been applied by Adam and Eve, and that it excused them from many grave sins before the fall. Likewise that St. Thomas merited from Christ the words, "Thomas, you have written well of me," because he wrote probable things in the matter of faith and morals. (*Apologema pro antiquissima et universalissima doctrina de probabilitate* p. 127, n. 223, Lyons 1663.)

[155] L. c. n. 242.

§ 4. On The System Of Compensation Or Of Sufficient Cause

351. Arguments for the system of compensation. No system from those mentioned above avoids grave difficulties; indeed, each one, deduced all the way to its last consequences, impedes the profitable practice of the confessor. Probabiliorism excels both Equiprobabilism and pure Probabilism, and each one should strive to practice Probabiliorism in his own life. And in reality any sincere lover of truth embraces that which is certainly more like the truth, if he cannot obtain every kind of certitude. Indeed, this sincere and ardent love of truth can scarcely be commended enough, especially in our times, since so many men are deceived by the devil, the father of falsehood, who by his falsehood already deceived our first parents and thus induced them to go into exile from paradise. - But the confessor in the direction of souls is compelled not rarely to embrace, the more probable opinion having been set aside, an opinion less probable indeed, but truly probable, in order to avoid a greater evil. Just as he also sometimes ought to permit material sins in order to avoid formal sins. Hence also the Sacred Penitentiary often prescribes that the penitent is to be left in good faith, even if there is question of things materially certainly evil. For example, it is permitted that putative spouses existing in good faith live together maritally. Therefore according to the now universal practice it is sometimes licit for the confessor to permit material sins and to follow an opinion less safe and less probable. Nevertheless, it is never licit to act thus without a grave and proportionate cause, since even a material transgression of the law or material sin is something evil.[156] Generally in these cases one must act according to the rules established for the indirect voluntary. But if those rules are observed, on the one hand the dangers of Laxism, which are joined with pure Probabilism, are avoided; on the other hand the spiritual salvation of the penitent is procured in the better manner in which it can be done. Hence in practice this system of compensation or of sufficient reason, which is better called the system of Christian prudence, seems to be preferred to all others. But in order to know whether in a particular case it is licit to follow an opinion truly and certainly probable for liberty, the more probable one for law having been set aside, the individual circumstances must prudently be attended to: the holier and graver the law is, and the more probable its obligation, the greater the sufficient reason ought to be for acting according to the opinion favoring liberty; but the greater the utility hoped for the penitent, the more easily can the probable opinion favoring liberty be permitted. - Nor should anyone say that this system of sufficient reason is morally impossible in practice, since the confessor can scarcely, indeed not even scarcely, judge rightly whether there are sufficient reasons for following a probable opinion, the more probable one having been set aside. To this objection it is easily responded that such impossibility is no more an obstacle here than in six hundred other cases of the indirect voluntary, in which nevertheless every confessor ought to judge concerning the sufficient reason rendering the act honorable.

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[156] Cf. St. Alph., *Theol. mor.* l. 2, n. 36.

352. Practical conclusion. We have sincerely set forth the reasons which are brought forward for the individual systems. If you prescind from absolute Rigorism and from Laxism, each system from those declared is tolerated by the Church, and therefore can freely be assumed, so that the confessor has no right to force some system upon his penitent, and a fortiori he cannot strictly demand that the penitent fulfill some obligation to which according to the principles of another system he is not bound. For the confessor is not the judge of opinions, but of the disposition of conscience.[157] Hence the confessor can indeed prudently counsel safer and more probable opinions, but cannot impose a strict burden to which the penitent probably is not bound. In practice it is to be counseled that the confessor act according to the system of Christian prudence, because a) thus he avoids the rocks of Probabilism, Equiprobabilism, and Probabiliorism; b) thus he proceeds according to Christian prudence, which is the mover and charioteer of all moral virtues and which is most necessary for living well.[158] Up to Bartholomaeus Medina none of these three systems was certainly known.

And yet most holy and most prudent confessors with great fruit administered the sacrament of penance. Are today's confessors wiser than they? Are other sins committed today than at that time? The confessor who prudently explores the condition of the penitent and the circumstances of the act will judge rightly, 1. if he attends especially to the principle: "In doubt one must stand for that for which presumption stands"; 2. if he attentively consults good authors; and 3. if he does not trust too much in his own judgment. For then he applies the system which is best and which can rightly be called: the system of Christian prudence. Concerning this Christian prudence it is said: "Her ways are beautiful ways, and all her paths are peaceful."[159]

[157] Ib. l. 3, n. 669.

[158] St. Thom., *S. theol.* 1, 2, q. 57, a. 5.

[159] Prov. 3, 17.

Chapter VII. On the education of conscience

On The Education Of Conscience.[160]

[160] Cf. *Tract. de interiori domo seu de conscientia aedificanda* among the spurious works of St. Bernard (Migne, *Patr. lat.* 184, 507 sqq.). Cf. concerning the education of conscience Tanquerey, *Synopsis Theol. mor.* n. 422 sqq.; Bouquillon, *Theol. mor. fund.* n. 280; H. D. Noble, O.P., *La conscience morale*, Paris 1923, Second part, *Les perfections naturelles et surnaturelles de la conscience morale.*

353. Since conscience is the proximate rule of our moral acts, and since from our acts well regulated the whole happy eternal life depends, it matters greatly that our conscience be a right rule and a faithful guide on the way to eternal happiness. As is clear from what was said above, conscience is an act of practical reason. But in order that practical reason may always be able to elicit right and perfect acts of this sort, it needs special education and formation. Synderesis, indeed, or the habit of first practical principles, is like a little spark in our mind kindled from divine light according to that saying of the psalm: "The light of thy countenance, O Lord, is signed upon us";[161] but it touches only the general principles of moral life. Therefore it is necessary that conscience founded upon synderesis be cultivated, so that it can rightly extend itself to all particular acts of moral life. For obtaining this, natural and supernatural means are at hand.

[161] Ps. 4, 7.

354. On the natural means. 1. The first and most efficacious means for acquiring a good conscience is a good education had from infancy. It is of great importance that the distinction between good and evil be inculcated upon children again and again, that children become accustomed to doing good from intimate conviction, and not only for obtaining reward or praise, or for avoiding punishment. Likewise it must be inculcated upon boys and girls that they lend attentive ears to conscience, which is nothing other than the voice of God. But in doubt whether something is licit or illicit, let them approach experienced and honest men, not however imprudent and depraved men, for the sake of taking counsel. The good example of parents and teachers also contributes much to right education, while on the contrary their evil example produces the worst effects.

2. The second means for cultivating conscience is the perfect sincerity of a man with himself, which is obtained by faithful, continual, and candid scrutiny of one's own conscience. On this matter St. John Chrysostom writes most beautifully:[162] "Do you not have at home a book in which you write daily accounts? Have likewise a book in conscience, and write down daily sins; for example, when you are lying in your bed and no one is making trouble for you, before sleep creeps in, bring the little book into the midst and reckon

your sins with yourself, saying to yourself: Have I sinned today either by speech or by deed? ... And when you reckon these things, suspend your soul, lacerate it, open it with fear of gehenna, ... so that on the next day you may approach the perpetrating of sins more sluggishly." In reality, the daily examination of conscience greatly serves not only for right knowledge of oneself, but also for living rightly. Hence it is to be commended as much as possible.

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[162] *In Ps. 50* hom. 2, n. 5 sq. (Migne, *Patr. graec.* 55, 581). It is to be counseled that the examination of conscience not be made in bed, but before one goes to bed.

355. On the supernatural means. 1. For having a candid conscience, the first and most efficacious means is fervent prayer to God, the Father of light, that he may wish to illuminate our darkness. Since conscience is the voice of God speaking in us, it is easily understood why frequent and fervent elevation of the mind to God through prayer renders us apt for clearly perceiving this voice and for faithfully obeying it once perceived. Therefore one must often pray: "Give me understanding, [O Lord], and I shall learn thy commandments";[163] or: "With heavenly mercy, O Lord, we beseech thee, accompany the vows of thy supplicating people, that they may both see what things are to be done and grow strong for fulfilling the things they have seen."[164]

2. A strenuous fight against disordered passions with the help of divine grace is the second means for obtaining a right and candid conscience. The reason is obvious: the passions often are disordered in us on account of the tinder of original sin and on account of our inconstancy. But such disordered passions cloud reason; for they are like a dense smoke rising up and intercepting the clear rays of reason. For this reason daily experience proves that men captive under the yoke of disordered passions have a lax or even cauterized conscience; on the contrary, those strenuous victors over the passions, who daily exercise virtues, rejoice in a very tender conscience.

3. Sacramental confession and obedience rendered to a prudent spiritual director is the third and very good means for having a tender conscience. The reason is again very obvious. For it is necessary that diligent examination of conscience precede sacramental confession, whose usefulness has already been declared above and which the old pagans already acknowledged, establishing the loftiest principle of moral life: Know thyself. After examination of conscience has been diligently performed and confession has been made to a prudent confessor, the spiritual director, aided by divine light, can impose the best rules for leading a right moral life. If any doubts occur, the spiritual director, endowed with greater knowledge, experience, and grace annexed to his state, can safely solve them. Hence it happens that after a good confession and obedience rendered to a good spiritual director, all remorse of conscience usually ceases; which is a sign not at all obscure that the soul is in a good state and pleasing to God. Obedience must be rendered to the confessor or spiritual director not only by the uneducated and those ignorant of Moral Theology, but also by anyone most learned. The reason is twofold, one natural, the other supernatural. The natural reason is the difficulty, not to say impossibility, of judging in one's own case. Hence also the common adage says: "Let no one be judge in his own case." For on account of excessive love of himself, a man is easily deceived in judgment concerning his own acts. The supernatural reason is the institution of the sacrament of penance, which is necessary for all sinners. But in the tribunal of penance the confessor is the judge, to whom whoever desires to receive this sacrament is bound to submit himself. Hence examples are at hand where even emperors and kings had to obey a spiritual superior by doing penance for excesses committed and by instituting a new moral life.

These are the chief means for cultivating conscience, so that it may be conformed to divine reason and law, and therefore a safe norm of acting.

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[163] Ps. 118, 73.

[164] Prayer of Sunday within the Octave of Epiphany.

Tract V. On Sins In General

Cf. St. Thomas, *S. theol.* 1, 2, q. 71-89; St. Alphonsus, *Theol. mor.* l. 5, n. 1-84; Billuart, *Sum. S. Thom.*, tract. *de peccatis*; Billot, *Disquisitio de natura et ratione peccati* 3 (Rome 1900); Noldin, *De principiis* n. 286-352; Otto Schilling, *Lehrbuch der Moraltheologie* I, § 41 ff.; Tanquerey, *Synopsis Theol. mor. de peccatis et vitiis*. (It is a very commendable treatise.)

Praenotamen. The rules of human acts are law and conscience, as is clear from what was said above. Human acts which are conformed to these rules lead into man's last end, namely, into eternal beatitude; but those which are deformed constitute sins and turn away from the last end and eternal beatitude. Acts conformed to these rules are virtuous acts; but deformed acts are sinful acts. Therefore according to order one must now treat of virtues and sins. But because it seems fitting that to the treatise on virtues in general there should immediately be joined the treatise on virtues in species, we invert the order, treating first of sins in general and then of virtues in general and in species. But we refer those things which must be said about individual sins to the treatises on the individual virtues, to which the individual sins are opposed. - We divide the whole treatise on sins in general into eight chapters: 1. on the nature of sin; 2. on the division of sins; 3. on the specific distinction of sins; 4. on the numerical distinction of sins; 5. on the causes of sins; 6. on the effects of sins; 7. on internal sins; 8. on the vices called capital.

Chapter I. On The Nature Of Sin

356. Sin is rightly and deservedly called the mystery of iniquity.[1] For up to the present day theologians do not agree in what the formal constitutive element of sin consists. The best and most noble men have disputed on this matter, for example Ioannes a S. Thoma, Cajetan, Sylvius, Suarez, Billuart, Scheeben, Billot, etc., yet without being able to bring the desired clarity. Hence St. Anselm[2] calls the perverse will of the sinner "a marvelous horror and a horrible marvel."

Diverse names are customarily imposed upon sin in Sacred Scripture. Thus, for example, it is called disobedience or prevarication and transgression of a divine precept,[3] offense against God,[4] contempt of God,[5] injustice,[6] iniquity,[7] ingratitude toward God,[8] impiety toward God,[9] pride,[10] foolishness,[11] etc., etc. - Offense against God is perhaps the best among all the other denominations of sin, because it excellently expresses the nature and gravity of sin. For according to the common adage, honor must be measured on the part of the one honoring, but offense must be weighed on the part of the one offended. For the greater he is who is offended, the greater is the offense brought upon him. But God is of infinite majesty, and therefore an offense brought upon him puts on some true, although not absolute, infinity.[12]

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[1] 2 Thess. 2, 7.

[2] *Medit.* 3 (Migne, *Patr. lat.* 158, 726).

[3] Gen. 2, 16. Hebr. 2, 2.

[4] Num. 17, 14. Eccli. 34, 20. Phil. 1, 10.

[5] Lev. 26, 15.

[6] Ps. 31, 5.

[7] Gen. 4, 13.

[8] Luc. 6, 35.

[9] Ps. 31, 5.

[10] Ps. 73, 23.

[11] Sap. 10, 8.

[12] Cf. on this matter Billuart, *De pecc.* diss. 8, a. 5.

357. Note. 1. In Sacred Scripture the name of sin occurs very often, but it is sometimes taken in a broader sense a) for the cause of sin, namely for concupiscence. Thus St. Paul says: "Now I do not work that, but the sin which dwells in me."[13] b) For the victim which is offered for the expiation of sin. Thus it is said of Christ: "Him who had not known sin, he made sin for us."[14] c) For the punishment or effect of sin. In this sense can be understood the text: "It is therefore a holy and salutary thought to pray for the dead, that they may be loosed from sins."[15]

2. The name of vice by modern authors is customarily taken for greater sins (*Verbrechen*), but by St. Thomas[16] and the old scholastics for a sinful habit.

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[13] Rom. 7, 17.

[14] 2 Cor. 5, 21.

[15] 2 Mach. 12, 46.

[16] *S. theol.* 1, 2, q. 71.

358. Definition of sin. In catechisms sin is customarily defined simply according to St. Ambrose:[17] a prevarication of divine law. This definition indeed is good, but St. Augustine gives a more explicit definition:[18] "Sin is a deed or word or something desired against the eternal law of God."

St. Thomas has a special article[19] for showing the fittingness of this definition. For that definition is good which explains the material and formal element of the thing defined, since every temporal thing coalesces from some material and formal element. But the aforesaid definition first explains the material element in sin, namely, the human act. For every sin of men is a truly human act. Augustine could indeed have said more briefly: Sin is a human act against the law of God; but he better added the diverse words (deed, word, desire), expressing sins of deed, of mouth, of heart.[20] For there were some who denied that depraved thoughts are sins; but others taught that the external acts themselves are not sins. - Besides, the aforesaid definition excellently also explains the formal element in sin, namely, by the words "against the eternal law of God." For no true moral sin is given which is not against the eternal law of God. For above it was proved that all other laws must be derived from the eternal law and are just laws obliging in conscience insofar as they agree with the eternal law. Therefore those acts which are against some other just moral law, by that very fact, are also opposed to the eternal law of God. - But since every true moral sin is formally against the eternal law of God, it follows that every sin is an offense against God, nor does there exist a merely philosophical sin, which indeed would be against right reason, but would not constitute an offense against God and therefore would not merit the punishment of gehenna or purgatory. Already above in n. 25 the intrinsic reason was indicated why merely philosophical sin is not possible.

Conditions required for sin. Since every sin is a human and moral act, sufficient knowledge of the malice of the act and consent on the part of the will are required for it; or in other words: there is required a) advertence at least indirect to the malice of the act and b) consent, whether direct or at least indirect, to this malice.

Consent and advertence are called direct if the malice of the act is known and intended in itself; but they are called indirect if they are known and intended only in the cause. For this reason he who in no way adverts to or suspects the malice of his act (on account of an invincibly erroneous conscience or forgetfulness) does not commit a formal sin; but he who from culpable negligence does not advert to the malice of his act is not excused from every fault. Generally here those things must be recalled which were said above in n. 35 sqq. concerning the requisites for a human act.

[17] *Lib. de paradiso* c. 8 (Migne, *Patr. lat.* 14, 309).

[18] *Contra Faustum* l. 22, c. 27 (Migne, *Patr. lat.* 42, 418).

[19] *S. theol.* 1, 2, q. 71, a. 6.

[20] Under the name of word and deed culpable omissions also are comprehended, because affirmation and negation are referred to the same genus. Cf. *S. theol.* 1, 2, q. 71, a. 6 ad 1.

359. Scholion. On the formal constitutive element of sin. The old scholastics, investigating more deeply the nature of sin, posed the question whether the formal constitutive element of sin is something positive or privative.[21] All indeed must admit that in sin there is something positive, namely a disordered conversion toward a temporal good, and also something privative, namely aversion from God; but they are not agreed as to which of these is more essential. This controversy indeed is of little practical usefulness. St. Thomas[22] rightly teaches: "Every sin consists formally in aversion from God"; and again:[23] "Mortal fault has both: both aversion from God and conversion to a created good; but aversion from God is there as the formal element, while conversion is there as the material element." Blessed Albert says neatly: "Sin is an averting conversion." Aversion from God, which is in any mortal sin, is punished in gehenna by compelled aversion, that is, the punishment of loss; but the disordered conversion toward creatures will be punished after death by the punishment of sense.

[21] See Billuart l. c. diss. 1, a. 3.

[22] *S. theol.* 2, 2, q. 118, a. 5.

[23] 3, q. 86, a. 4 ad 1.

Chapter II. On The Division Of Sins

Since the division of sin into mortal and venial must be treated separately, we subdivide this chapter into three articles: 1. on the division of sins in general; 2. on mortal sin; 3. on venial sin.

Article I. On The Division Of Sins In General

360. Sins have obtained multiple divisions, of which the following seem to be the principal ones:

1. Original and personal sin. The former is the privation of original justice transmitted to us from Adam. In what exactly the essence of original sin consists, theologians are not agreed.[25] The latter is sin committed personally by us. Hence it can be said briefly: original sin is the sin of human nature; but personal sin is the sin of some determinate human person. This personal sin is subdivided into:

2. Actual and habitual sin.[26] Actual sin is a passing act or omission discordant from the rules of morals. Habitual sin is the stain left in the soul on account of actual sin. This stain indeed brings in a twofold guilt,

namely guilt of fault and of punishment, and lasts until mortal sin has been destroyed by sanctifying grace. Discussion will return below in n. 391 sqq. concerning this twofold guilt. Actual sin is subdivided into:

3. Mortal and venial sin. Mortal sin, which is also called grave, is that which by destroying sanctifying grace brings death upon the soul. Venial, or light, sin is that which does not deprive one of sanctifying grace itself and therefore admits pardon from the human works themselves done with actual grace. Venial sin diminishes the fervor of charity and brings in temporal punishments. A fuller discussion will return below in n. 361 sqq. concerning the intimate nature of mortal and venial sin. - Other subdivisions of actual sin are:

4. Sin of commission and omission. The former is an act against some negative precept; for example, theft is a sin of commission, which is against the negative precept: Do not commit theft. The latter is the omission of a commanded act, or the transgression of an affirmative precept; for example, a sin of omission is culpably to omit Sunday Mass, since this is against the affirmative precept: Sanctify the Sabbath.[27]

5. Carnal and spiritual sin.[28] The former is completed in disordered carnal delight; such sins are gluttony, lust. The latter is disordered spiritual delight, for example, pride, vainglory. Sometimes, however, in Sacred Scripture any sins whatever are called carnal in a broader sense, namely because they are produced by a carnal man given over to disordered passions. In this sense envy, murders, etc., are called by St. Paul works of the flesh.[29]

6. Sin against God, against oneself, and against neighbor. The first directly violates divine rights, such as the sin of blasphemy, heresy, hatred of God. The second is directly and proximately against the proper good of the sinner himself, such as suicide, drunkenness. The third directly harms one's neighbor, for example, theft, calumny. - Certainly all sins are against God, namely insofar as they are an offense against God; likewise all sins are against the good of the sinner himself, since he who commits sin hates his own soul;[30] nevertheless certain sins more directly wound the honor of God, or the proper good of the sinner, or the good of the neighbor, and therefore are specially called by theologians sins against God, against the sinner himself,[31] and against neighbor.

7. Sin of heart, mouth, and deed,[32] according as sin remains in the mind alone, for example, lustful thoughts, or proceeds to speech, for example, blasphemies, or is completed by an external deed, for example, theft.[33]

8. Sin of ignorance, weakness, and malice, according as the sinful act proceeds from culpable ignorance, or from passion diminishing the voluntary act, or from the perverse and evil will alone without ignorance and passion.[34]

9. One's own and another's sin. The former is that which is committed by the sinner himself alone, for example, solitary pollution; but the latter is that which indeed is committed by another, but under the influence of another sinner. Commonly nine modes of committing another's sins are customarily assigned, according to the verses:

Command, counsel, consent, flattery, recourse, Participant, mute, not obstructing, not manifesting.

10. Sins against the Holy Spirit, sins crying to heaven, capital sins. This division indeed is not complete, so that every sin is either against the Holy Spirit, or crying to heaven, or capital; but nevertheless it is adduced because the notion of these sins must not be omitted in Moral Theology. A sin against the Holy Spirit is a sin committed from formal contempt of some supernatural gift directly[35] withdrawing us from sinning. But they are called sins against the Holy Spirit because they are, as it were, blasphemies against this divine person, to whom our sanctification is appropriated. Since the times of Peter Lombard, six sins against the Holy Spirit are

customarily enumerated, namely: 1. presumption, 2. despair, 3. attack against acknowledged Christian truth, 4. envy of a brother's supernatural grace, 5. obstinacy in the state of sin, 6. impenitence.[36] Those sins are called irremissible, or "sin unto death,"[37] not indeed because they are altogether never remitted, but because true penance is most difficult concerning them, since by despising the supernatural gifts necessary for the remission of sin they directly attack every conversion to God.[37a] - Four sins crying to heaven are enumerated: 1. homicide,[38] 2. sodomy,[39] 3. oppression of orphans and widows,[40] 4. retention of wages owed to poor workers.[41] But they are called sins crying to heaven because their malice, and especially the disturbance of the social order made through them, are so great that they cry to heaven for just vengeance to be sought, and indeed already on this earth. They are customarily enumerated in these verses:

The voice of blood and of Sodom cries aloud to heaven, The voice of the oppressed, the wages detained from labors.

Capital sins are called those from which, as from roots, other sins sprout forth. Seven are enumerated:[42] 1. vainglory, 2. envy, 3. avarice, 4. anger, 5. lust, 6. gluttony, 7. sloth. - Discussion will return below in n. 406 sqq. concerning each of these sins.

11. Formal and material sin. The former is a free and imputable transgression of divine law; the latter is a transgression of divine law from invincible ignorance or from violence destroying internal consent.

Note. These two must be well distinguished from two other expressions used among the Scholastics, namely from that which is called the formal element of sin and the material element of sin. The formal element of sin is the essential constitutive element itself of sin, which according to what was said above is either something positive or something privative. The material element of sin is the physical act which is present in sin. Thus, for example, the approach of Jacob to Leah was for Jacob a material sin, because he acted from invincible ignorance; but in voluntary fornication the material element of sin is the physical act of fornication; the formal sin, however, is the whole voluntary fornication; finally, the formal element of sin is the very disorder existing in this act.

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[25] Dogmaticians treat of this matter more broadly. Cf. the special work on original sin written by Bernardus de Rubeis. St. Thomas treats of this question in *S. theol.* 1, 2, q. 82.

[26] Sinful deed and sinful state.

[27] The Angelic Doctor (*S. theol.* 1, 2, q. 72, a. 6) notes that sins of commission and omission differ not formally but materially.

[28] Cf. *S. theol.* l. c. a. 2.

[29] Gal. 5, 19 sq.

[30] Cf. Ps. 10, 6.

[31] Cf. *S. theol.* l. c. a. 4.

[32] Sins through thoughts, words, and works.

[33] Cf. *S. theol.* l. c. a. 7.

[34] The Angelic Doctor treats broadly of these three sins in *S. theol.* 1, 2, q. 76-78.

[35] St. Thomas shrewdly observes (*S. theol.* 2, 2, q. 105, a. 2 ad 2): "For contempt of just anything which impedes sin does not constitute a sin against the Holy Spirit; otherwise contempt of any good would be a sin against the Holy Spirit, because through any good a man can be impeded from sin. But contempt of those goods makes a sin against the Holy Spirit which directly lead to penance and the remission of sins."

[36] Cf. *S. theol.* 2, 2, q. 14, a. 1 and 2.

[37] 1 Io. 5, 16. - Concerning the essence and number of sins against the Holy Spirit the ancient doctors were not agreed. Some, such as St. Athanasius and St. Hilary, taught that there is only one sin against the Holy Spirit, namely blasphemy against God. Others, such as St. Augustine, thought that this one sin against the Holy Spirit was final impenitence (cf. *S. theol.* l. c. a. 1). In present times theologians commonly teach, with the Angelic Doctor going before them, that this sin is a sin from a certain fixed malice, that is, committed from formal contempt of those things which directly withdraw man from sin. Hugh of St. Victor enumerates four sins from fixed malice, or against the Holy Spirit; but now, and already from the times of Peter Lombard, the six such sins indicated above are customarily enumerated (cf. *S. theol.* l. c. a. 2, in the first objection).

[37a] *S. theol.* 2, 2, q. 14, a. 3.

[38] Gen. 4, 10.

[39] Gen. 18, 20.

[40] Ex. 22, 22 sqq.

[41] Deut. 24, 15; Iac. 5, 4.

[42] Cf. *S. theol.* 1, 2, q. 84, a. 4.

Article II. On Mortal Sin

361. Essence. Already above in n. 358 the essence of mortal sin was described in some way in the definition of sin in general. For this definition, given by St. Augustine, principally belongs to mortal sin. Yet for a fuller explanation it is necessary to observe the following: the disorder which is found in mortal sin consists:

1. In aversion from God. From what was said above in n. 20, it is clear that man ought in all his acts, explicitly or at least implicitly, to tend toward his last end, which is God or intimate union with God. But if man does not do this, he sins, and indeed gravely, if he perfectly turns himself away from God, the last end. Therefore mortal or grave sin is essentially aversion from God; and the Angelic Doctor[43] says excellently: "When the soul is disordered by sin all the way to aversion from the last end, namely God, to whom it is united through charity, then there is mortal sin"; and elsewhere:[44] "In any mortal sin the principal reason of evil and gravity is from this, that it turns away from God; for if there could be conversion toward a changeable good without aversion from God, although it would be disordered, it would not be mortal sin."

2. In a gravely disordered conversion toward creatures. For the sinner so vehemently desires a temporal good that he prefers to be turned away from God rather than not to enjoy this good. Therefore aversion from God is necessarily joined with disordered conversion toward creatures,[45] and each element constitutes a grave injury and therefore an offense against God. By the voluntary aversion of the sinner from God the bond of charity between God and man is broken, and consequently habitual grace is destroyed. But since sanctifying or habitual grace is, as it were, the life of the soul, hence grave sin is deservedly called mortal, namely because it causes the death of the soul. But a dead soul cannot enter into eternal life. Therefore mortal sin, which frivolously breaks on this earth the bond of charity with God, in the other world will justly be punished by violent separation from God in gehenna. This punishment indeed is called the "punishment of loss."

3. In a grave wounding of rational nature. For every sin is true foolishness committed against right reason,[46] since it is most foolish to lose an infinite good for enjoying a finite good.

4. In a grave wounding of the social order. In some sins this wounding is very open, for example, in homicide, adultery, etc., but in reality it is found in any sin, since, by gravely wounding the sinner, a member of society, it also wounds human society itself.

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[43] *S. theol.* 1, 2, q. 72, a. 5.

[44] 2, 2, q. 20, a. 3 (Leonine ed.).

[45] Cf. *S. theol.* 2, 2, q. 20, a. 1 ad 1.

[46] Cf. *S. theol.* 1, 2, q. 71, a. 2.

362. Existence of mortal sin is manifestly drawn from Sacred Scripture. For Christ says concerning certain sins against neighbor: "But I say to you that everyone who is angry with his brother shall be guilty of judgment; ... but he who says, Thou fool, [to his brother] shall be guilty of the gehenna of fire."[47] - St. Paul affirms: "The wages of sin is death."[48] Moreover: "If you live according to the flesh, you shall die."[49] - Therefore mortal sins exist. Nor are only sins perpetrated from fixed malice or against the Holy Spirit[50] mortal sins - as some theologians wished - but also sins done from grave disordered passion, as for example adultery, fornication, etc.

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[47] Matth. 5, 22.

[48] Rom. 6, 23.

[49] Rom. 8, 13; cf. also 1 Cor. 6, 9 and Iac. 1, 15.

[50] These sins are called sins with the raised hand.

363. Inequality of mortal sins. The ancient Stoics, Jovinian, Novatian, and several Protestants taught that all sins are equal. But this is manifestly false, as appears both from Sacred Scripture and from theological reason. - Christ, speaking to Pilate, said: "He who handed me over to thee has the greater sin."[51] Concerning the Jews Jeremiah says: "They have acted worse than their fathers."[52] - But the intrinsic reason why one sin is graver than another is chiefly taken from the object disorderedly desired. For sin, as a human act, is specified from its object. But the object of sin admits degrees of disorder. Thus, for example, in adultery there is greater disorder than in fornication. - Against this doctrine it is customary to object: mortal sin is the death of the soul. But death does not admit more and less. Therefore neither does mortal sin. But it is easily responded: sin is not the death of the soul formally, but effectively, that is, sin indeed produces death, but it is not death itself, just as a sword which produces death is not death. But just as diverse causes producing the death of the body can be greater and lesser, for example, the ball of a gun and the ball of a ballista, so also diverse sins causing the death of the soul.[53]

Rules for discerning the gravity of sins. For judging concerning the gravity of individual sins it is necessary to recall those things which were said above in n. 110 sqq. concerning object, circumstances, and end as sources of morality. Therefore one must consider first of all the nobility of the virtue to which the sin is opposed. The highest and noblest virtue is charity. Hence sins directly opposed to the virtue of charity are the gravest, for example, hatred of God, which is called by St. Thomas simply "the worst sin of man."[54] Charity toward neighbor is prescribed in an equal manner as charity toward God. Hence sins which wound charity toward neighbor are graver than the rest, and the nobler the good of the neighbor that is wounded, the graver is the sin. Thus homicide, which wounds the highest natural good of the neighbor, namely bodily life, and which sometimes also produces the eternal ruin of the neighbor, is a much graver sin than adultery, by which a lesser good is wounded. Next the circumstances must be considered, because, although the gravity of sins must primarily be taken from the gravity of the object and from the nobility of the virtue to which they are opposed,[55] nevertheless it also depends on the circumstances of person, place, time, etc. Thus, for example, by blaspheming a priest sins much more gravely than a driver. St. Thomas observes[56] that carnal sins, for example, sins of lust, are of themselves and all else being equal lesser than spiritual sins, for example, blasphemy, hatred of neighbor, because the aversion is greater and the temptation is customarily lesser in

spiritual sins than in carnal sins. But carnal sins are more infamous because they render man like brute beings; and besides, they are customarily more dangerous because temptations to them are more vehement and the habits arising from them are eradicated with greater difficulty. "Let those attend to these things," says Billuart,[57] "not a few who wish to be held spiritual and look down with pharisaical disdain upon others on account of certain human falls, while they themselves are stained with graver sins of pride, envy, detraction, etc."

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[51] Io. 19, 11.

[52] Ier. 7, 26; cf. also Thren. 4, 6.

[53] Cf. Billuart, *De pecc.* diss. 3, a. 2.

[54] *S. theol.* 2, 2, q. 34, a. 2. Blessed Albert the Great says: "Infidelity is the greatest sin simply" (in 4, dist. 39, a. 2 ad 4). But nevertheless there does not seem to be anything except an apparent contradiction between Blessed Albert and St. Thomas; for Blessed Albert considers the gravity of infidelity by reason of the harm which it brings in, which indeed can be graver than simple hatred of God; indeed it can include hatred of God.

[55] Cf. *S. theol.* 1, 2, q. 73, a. 4.

[56] Ib. a. 5.

[57] *De pecc.* diss. 3, a. 3.

364. Conditions required for mortal sin. For mortal sin three things are necessary: 1. grave matter, 2. full advertence, 3. perfect consent of the will. The reason is that mortal sin produces such deadly effects - it destroys the friendship of God and sanctifying grace, thrusts down into gehenna, etc.; cf. below n. 392 - that no human act is to be judged so evil unless a) it is perfectly voluntary, that is, has been performed with perfect advertence and full consent, and b) it is concerned with grave matter.

1. Grave matter necessary for mortal sin can be defined and discerned both from authority and from reason. Authority is threefold, namely that of Sacred Scripture, of the Church, and of the Doctors.

If in Scripture certain sins are said to exclude from the kingdom of heaven, to be worthy of death or eternal fire, execrable, abominable, etc., they are judged grave and their matter grave, for example fornication, adultery, etc.

If decrees of Supreme Pontiffs or of Councils have declared some sin to be grave, its matter is grave. Thus we know that there is grave matter if someone omits an act of charity for five years,[58] if someone transgresses the precept of observing feasts.[59]

By the authority of Doctors and theologians we know what matter is grave in theft, in violation of fasting, etc.

By reason the gravity of sin must be weighed from the object and circumstances of the act. But that sin is judged grave from the object and circumstances which brings in a grave disorder against the eternal law of God, that is, against God, or human society, or neighbor, or ourselves. But the gravity of the disorder must be weighed according to prudent judgment, with account taken of the precept and of its end, which is impeded. Thus to omit the infusion of drops of water into the wine to be consecrated is judged a grave sin and grave matter, because the signification of that infusion is most grave, namely the blood and water flowing from the side of Christ are signified. But to destroy such a signification seems to be grave matter in the sacrifice of the Mass, by which the sacrifice of the cross is recalled.

Therefore grave matter is required for mortal sin. But light matter cannot constitute anything except a light sin. Nevertheless there are certain sins which are not excused from grave fault on account of lightness of

matter, or rather, in which any matter whatever freely willed is always grave. They are called mortal sins *ex toto genere suo*, from their whole genus. Whenever in these there are full advertence and full consent, mortal sin also exists. Such sins are, for example, blasphemy, hatred of God, lust, violation of the natural or eucharistic fast, etc. But the intrinsic reason is that even the least fully voluntary act of sins of this kind includes grave disorder. Hence the common manner of speaking, "Sins mortal *ex toto genere suo* do not admit smallness of matter," must be understood thus: any fully voluntary matter whatever of these sins is a grave disorder and therefore a grave sin. Yet these sins become venial from imperfection of the act, namely when full advertence or full consent is lacking. Thus, for example, semi-deliberate lascivious thoughts are venial sins, as also second-first acts of blasphemy are. - Other sins, mortal from the object, which nevertheless admit smallness of matter even when full advertence and full consent exist, are called mortal *ex genere suo*, from their genus, for example theft, causing damage, etc. Therefore the following expressions must be noted:

venial sin *ex genere suo* (lying);

mortal sin *ex genere suo* (theft);

mortal sin *ex toto genere suo* (lust).

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[58] Prop. 6, condemned by Innocent XI; apud Denz. n. 1156.

[59] Prop. 52 condemned, Denz. n. 1202.

365. 2. Full advertence. Advertence can be concerned with a twofold object, namely with the physical act and with the malice of that physical act. The first advertence can be present without the other, for example someone knowingly eats meats, but does not know or has forgotten that today this eating is illicit because of Friday. If the first advertence is lacking, the act is no longer human, but an act of man, and therefore cannot be a mortal sin. As to the other advertence, authors do not agree on what kind is necessary for mortal sin. All indeed teach that advertence must be full, and that half-full advertence does not suffice, but they dispute among themselves whether actual advertence is required or virtual advertence suffices. That actual advertence is required is taught by several authors cited by St. Alphonsus;[60] that virtual advertence suffices is judged by Cajetan, Billuart,[61] and others. It seems to be a dispute over a word. Certainly false and savoring of Jansenism is the opinion of a few who say that all transgressions of law are to be imputed, even if no actual advertence ever intervened, neither direct nor indirect, neither clear nor confused advertence of the malice of the act, and that interpretative advertence suffices, which consists solely in this, that a man has had the physical and remote power of adverting to the malice. St. Alphonsus deservedly says[62] of this opinion: "It would follow that very many men would find themselves burdened with many mortal faults, though they had never had any cognition whatever concerning them." On the contrary, for mortal sin it is by no means required that one here and now actually advert to the malice of the act; crass and supine inadvertence suffices. For if actual ignorance or inadvertence is voluntary and culpable in the cause, for example because of negligence,[63] because of passion which one deliberately wishes to follow,[64] because of a bad habit which one knowingly retains,[65] without any doubt it does not excuse from mortal sin. Thus, for example, prostitutes are sometimes so carried away by their own most evil life and vices that they no longer actually attend to the malice of individual shameful acts. Nevertheless those shameful acts, notwithstanding actual inadvertence to the malice, are mortal sins.

Clear advertence is not required, but confused advertence to the malice of the act suffices. Therefore it is by no means necessary that one clearly and explicitly advert to the whole malice of the act. Thus, for example, he who kills his enemy commits homicide with all the circumstances which he could and ought to have foreseen, even if he does not actually think that this enemy is, for example, the father of a family, is perhaps in mortal

sin, that God has forbidden homicide, etc.; or a priest who sins against chastity also commits sacrilege, although here and now he thinks nothing of the vow of chastity being violated.

Note. In practice it is not rarely rather difficult for the confessor to discern whether full advertence was present or not. If the penitent is of a timorous conscience, for the most part it is licit to judge that full advertence was not present, if some doubt arises about it; but if the penitent is of a lax conscience and a freer life, the presumption stands for sufficient advertence having been had.

Signs of half-full advertence are:

a) If someone committed the act half-asleep or half-drunk or almost not master of himself. Note this concerning pollution which occurs in sleep or in drowsiness!

b) If someone, carried away by a most vehement passion, did not retain the full use of reason, for example in anger.

c) If someone labors under pathological states or affections, for example hysteria, mania, phobia, etc.

d) If after the deed someone scarcely remembers what gravely evil thing he did, or if he says firmly to himself that he would never have done it if beforehand he had seriously thought.

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[60] *Theol. mor.* l. 5, n. 4.

[61] *De pecc.* diss. 5, a. 6.

[62] L. c.

[63] *S. theol.* 1, 2, q. 76, a. 3. *De malo* q. 3, a. 7 ad 7 et 8.

[64] *S. theol.* 1, 2, q. 6, a. 8. *De malo* q. 3, a. 10.

[65] *S. theol.* l. c.

366. 3. Perfect consent. Whenever full advertence has been present together with freedom from coercion or violence, perfect consent exists. Therefore fear and passion indeed lessen consent, but they do not take it away, unless, however, they disturb reason. Thus, for example, a woman who is violated, violence having been inflicted, does not sin; on the contrary, she sins if, from grave fear of infamy or of another evil, she permits violation or other lustful acts. Likewise a young man sins who, as grave temptation grows hot, procures pollution, provided however that the use of reason is not utterly disturbed by passion or fear.

Signs of half-perfect consent in doubt about consent given:

a) If someone is of a timorous conscience and habitually abhors committing grave sin.

b) If someone has experienced the desire of doing something evil and nevertheless has abstained from the external act, even if he could easily have sinned externally.

c) If someone, perceiving temptations, is immediately troubled and saddened.

Moreover, in practice the same thing holds concerning consent as was said above concerning advertence: in doubt one must stand for that for which the presumption stands. A man of a timorous conscience, in doubt about sufficient consent, is not judged to have consented fully; it is otherwise if the man has a lax conscience. If the matter remains doubtful, let the confessor leave it to divine judgment.

Article III. On Venial Sin

367. Notion. According to the force of the word, venial sin is that which can obtain pardon. In this sense all sins committed on this earth are venial, because they are remissible. St. Thomas notes[66] (with several authors of the thirteenth century) that sin is called venial in three ways: 1. from the outcome, because it has obtained pardon; and thus St. Ambrose says that "every sin through penance becomes venial"; 2. on the part of the cause, insofar as it has in itself something lessening the fault, as when it is done from infirmity or ignorance, although in itself it is a grave sin; 3. on the part of its own nature, insofar as it takes away neither the order to the ultimate end nor sanctifying grace. Here we speak only of venial sin in the third sense. But in what the essence of such venial sin accurately consists, authors do not agree.

a) It is certain that the essence of venial sin does not consist in this, that venial sin is against counsel, but mortal sin is against precept. This opinion is attributed by some, though others contradict, to Scotus.[67] The falsity of this opinion is manifest. For, for example, an officious lie, which is a venial sin, is strictly prohibited and not only dissuaded.

b) Likewise it is certain that the essence of venial sin does not consist in this, that it brings in temporal punishments, while on the contrary mortal sin brings in eternal punishment; nor in this, that mortal sin makes an irreparable disorder, but venial sin a reparable one. For these are rather effects of venial and mortal sin, but not their constitutive differences.[68]

c) Leaving aside these opinions, some say that venial sin neither turns away from God nor constitutes the creature as the ultimate end of the sinner, as mortal sin does; others teach that mortal sin errs concerning the ultimate end, but venial sin concerning the means to the ultimate end; others say that mortal sin is contrary to charity, but venial sin is not; others think that mortal sin is the death of the soul, while venial sin is only a sickness of the soul. - Perhaps all these modes of speaking differ rather in words than in the thing signified. The better mode of speaking seems to be: the essence of venial sin consists in a certain disorder, but not in total aversion from the ultimate end, as mortal sin is. Thus also speaks the Angelic Doctor:[69] "Sins which have disorder concerning those things which are for the end, the order to the ultimate end being preserved, are reparable and are called venial." But if the same Angelic Doctor sometimes teaches that venial sin is not against but beside the law of God,[70] it must be understood in this way: venial sin is not against the law simply but in a certain respect, that is, it is not against the end and fullness of the law, or it does not destroy union with God as ultimate end, but certainly it is against the law, because it is a transgression of the law. Hence St. Thomas himself in several places[71] expressly teaches that venial sin is against the law, that is, that it is a transgression of the law.

d) From what has been said it is apparent that there is the greatest difference between mortal and venial sin; indeed venial sin is not called sin except analogically. Hence theologians commonly teach that the notion of sin and of offense against God belongs not univocally but analogically to mortal and venial sin, just as the notion of being belongs analogically to substance and accident.[72] But just as a thousand accidents do not constitute one substance, so any number however great of venial sins does not constitute one mortal sin nor is it equivalent to it in malice.[73] Indeed certain texts of the Holy Fathers, considered at first glance, apparently teach the contrary. Thus, for example, St. Augustine[74] says: "Those [light sins], although they are perceived not to strike, one by one, with a lethal wound, ... nevertheless all gathered together, like scabies, the more numerous they are, kill." But these and similar things must be explained with the Angelic Doctor[75] in this sense, "that many venial sins dispositively cause mortal sin." Moreover, concerning the effects of venial sin the discussion will return below in n. 390. - But small thefts and other venial sins on account of smallness of

matter, if they are multiplied, can at last sometimes coalesce, so that they constitute a mortal sin. Then, however, the venial sins themselves do not coalesce, but the matter coalesces, which becomes grave. But to transgress the law in grave matter is a mortal sin.

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[66] *S. theol.* 1, 2, q. 88, a. 2. Cf. Bl. Albert the Great 2, dist. 22, a. 4 ad 2.

[67] 2, dist. 21, q. 1. Cf. Billuart, *De pecc.* diss. 8, a. 2.

[68] *De malo* q. 7, a. 1.

[69] *S. theol.* 1, 2, q. 88, a. 1.

[70] "It is fittingly said that venial sin is not against the law, but beside the law: because, if in some respect it withdraws from the order of law, nevertheless it does not corrupt the law itself, because it does not corrupt charity, which is the fullness of the law" (*De malo* q. 7, a. 1 ad 1). Cf. Cajetan, *Com.* in 1, 2, q. 88, a. 1.

[71] Cf. *S. theol.* 1, 2, q. 74, a. 10 ad 1; 2, 2, q. 100, a. 3.

[72] *S. theol.* 1, 2, q. 88, a. 1 ad 1. *De malo* q. 7, a. 1 ad 1. Durandus, as is his custom, contradicts St. Thomas.

[73] *S. theol.* l. c. a. 4.

[74] *Sermo* 351, n. 5 (Migne, *Patr. lat.* 39, 1541).

[75] *S. theol.* l. c. ad 1.

368. Two corollaries follow from the nature of venial sin explained thus far:

1. The act of venial sin in a just man is in some way referred to God.[76] This indeed is not to be understood as if a just man actually referred his venial sins to God or to his honor. For this would be blasphemy, since even venial sin is an injury and offense against God; but the act of venial sin is referred to God because it coexists with the habit of charity in a man who does not wish gravely to offend God and destroy his friendship, and who himself tends toward God as ultimate end.[77]

2. Adam and Eve before the fall could not sin venially in Paradise, but their first sin necessarily was mortal. So St. Thomas[78] and the Thomists. The reason is that in the state of innocence the first parents had the gift of original justice, which impedes venial sin. For venial sin can occur only in a twofold way: a) on account of imperfection of the act, when namely full advertence or full consent is not present, as, for example, semi-deliberate morose delectations; b) on account of disorder concerning means which are for the end, the order of the end itself being preserved, as are venial sins from their genus or from smallness of matter. But each of these was impossible in the state of innocence, because each happens on account of a defect of order, from the fact that the lower powers of man refuse to obey the higher. For the fact that sudden motions of sensuality arise in us, which induce to action before reason has perfectly deliberated, and so produce venial sin from imperfection of the act, arises from an order disturbed between reason and the lower powers of the soul. But the fact that the human soul is disordered concerning means which are for the end, while due order to the end itself is preserved, comes from this, that the means which are for the end are not infallibly ordered under the end. But in the state of innocence, as long as Adam and Eve were subject to God, there was the most perfect and most firm submission and due ordering among the diverse powers of the soul. Therefore Adam and Eve could not sin venially either from imperfection of the act or from lightness of matter, as long as their most happy union with God had not been destroyed through mortal sin. - Likewise an angel, whether good or evil, cannot sin venially for the same reason.[79]

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[76] *S. theol.* 1, 2, q. 88, a. 1 ad 2 et 3; 2, 2, q. 24, a. 10 ad 2.

[77] Cf. Billuart, *De pecc.* diss. 8, a. 4, § 2.

[78] *S. theol.* 1, 2, q. 89, a. 3. *De malo* q. 7, a. 7.

[79] *S. theol.* ib. a. 4.

369. The existence of venial sin was denied by Pelagius, Wiclef, Luther,[80] Melanchthon, Calvin, Baius, and perhaps also by Gerson,[81] all of whom do not seem to admit an intrinsic difference between mortal and venial sin. Nevertheless it is of faith that man, both the just man and the sinner, can sin venially. This indeed appears from Sacred Scripture, from the Holy Fathers, and from definitions of the Church.

1. Sacred Scripture, without any respect to persons, compares certain sins to very light things, certain sins to very grave things. Thus some are compared to a gnat, some to a camel;[82] some to a mote, some to a beam.[83] Likewise according to Sacred Scripture all men commit certain sins. But it cannot be said that even all just men commit mortal sins. Thus, for example, it is said: "In many things we all offend."[84] "If we say that we have no sin, we deceive ourselves, and the truth is not in us."[85] "The just man shall fall seven times and shall rise again."[86]

Often also the text of St. Paul, 1 Cor. 3, 10 sqq., is brought forward to prove the existence both of venial sin and of purgatory: "According to the grace of God which was given to me, as a wise architect I have laid the foundation; but another builds upon it. But let each one see how he builds upon it. For no one can lay another foundation besides that which has been laid, which is Christ Jesus. But if anyone builds upon this foundation gold, silver, precious stones, wood, hay, stubble, the work of each one will be manifest; for the day of the Lord will declare it, because it will be revealed in fire, and the fire will prove of what sort each one's work is. If anyone's work remains, which he built upon it, he will receive a reward. If anyone's work burns, he will suffer loss; but he himself will be saved, yet so as through fire." - Although in this text the discussion is not directly about venial sins, but only about certain not so correct doctrines of the Corinthian doctors, which are compared to wood, hay, and stubble, nevertheless at least indirectly and by way of conclusion this text seems clearly enough to prove the existence both of venial sin and of purgatory;[87] for those doctors will endure temporal punishment through fire for the less correct doctrines proposed, and therefore they had previously sinned venially.

2. The Holy Fathers speak of venial or light sins. Thus St. Ambrose says:[88] "Because, just as there is one baptism, so there is one penance, which however is done publicly; for daily sin ought to cause us to repent; but this penance is for light delicts, that one for grave delicts." Indeed already Tertullian speaks of light sins, explaining the text of St. John, "He who knows his brother to sin a sin not unto death, let him ask, and life shall be given to him who sins not unto death,"[89] in this way: "Nor have we ourselves fallen away from that distinction of delicts from which we departed. For here also John commended that [distinction], that there are certain delicts of daily incursion, to which we all are subject. For to whom does it not happen either to be angry unjustly and beyond the setting of the sun, or even to lay on a hand, or easily to speak evil, or to judge rashly, or to destroy faith pledged, or to lie from shame or necessity? ... In eating, in seeing, in hearing, how greatly we are tempted, so that, if there were no pardon for these things, salvation would belong to no one.... But there are also things contrary to these, as graver and deadly, which do not receive pardon: homicide, idolatry, blasphemy, certainly, and adultery and fornication. Beyond these Christ will not be an intercessor [the sense seems to be: these cannot be blotted out by prayer alone]. These things he who has been born of God will by no means admit.... Thus John's account of diversity will stand, disposing the distinction of delicts."[90] Although Tertullian, as is his custom, does not speak so clearly, nevertheless this text seems to be of great moment for a twofold reason, namely a) because it is a very ancient testimony for the distinction

between grave and light sins; and b) because Tertullian interpreted the text of St. John the Apostle in this way. - More clearly concerning the distinction between grave and light sins speaks St. Augustine:[91] "For those whom you see doing penance have committed crimes, either adulteries or certain immense deeds: hence they do penance. For if their sins were light, daily prayer would suffice for blotting these out." From the times of St. Augustine onward testimonies for the existence of venial sin abound.[92]

3. Definitions of the Church concerning venial sin are not lacking. The Council of Trent says: "For although in this mortal life even the saints and just, however holy, sometimes fall at least into light and daily sins, which are also called venial, they do not for that reason cease to be just."[93] Pius V condemned the proposition (20) of Baius: "There is no sin venial by its own nature, but every sin merits eternal punishment."[94]

Therefore it is certain by faith that venial sins exist, that is, sins which of themselves do not cause the death of the soul. The same is very consonant with right reason, which utterly recoils from an opinion asserting that because of any light sin whatever, for example because of a jocose lie or a voluntary distraction in prayer, a just man loses sanctifying grace and becomes worthy of the eternal punishment of gehenna.

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[80] Luther thought that a just man cannot sin mortally: "You see how rich a Christian man is. Even willing, he cannot lose his salvation by however many sins, unless he should be unwilling to believe. For no sins can damn him except unbelief alone. All the rest, if faith returns or stands in the divine promise made to the baptized, are in a moment absorbed through the same faith" (*De captiv. Babyl.*).

[81] Heretics do not admit venial sin except from the outcome, that is, because of pardon afterwards following; and this indeed happens from predestination (Wiclef), from faith (Luther), or from both at once (Calvin). Gerson, however, thought that every sin, even a light one, merits eternal punishment, but that from divine mercy certain light sins are not imputed unto death. (*Lib. de vit. spir. animae*, lect. 1.) Baius taught the same (Prop. condemned 20). Cf. Billuart l. c. a. 1.

[82] Matth. 23, 24.

[83] Luc. 6, 41.

[84] Iac. 3, 2.

[85] 1 Io. 1, 8.

[86] Prov. 24, 16. Many exegetes understand this text of light sins, for example Jerome, St. Gregory, St. Bede, etc.; but others more rightly understand it of tribulation or persecution.

[87] Cf. *S. theol.* 1, 2, q. 89, a. 2. *In 1 Cor.* c. 3, lect. 2 ad vers. 12.

[88] *De poenit.* c. 10 (Migne, *Patr. lat.* 16, 541).

[89] 1 Io. 5, 16.

[90] *De pudicitia* c. 19 (Migne, *Patr. lat.* 2, 1074).

[91] *De symb. ad Catech.* c. 7 (Migne, *Patr. lat.* 40, 636).

[92] Cf. Billuart, *De pecc.* diss. 8, a. 1.

[93] Sess. 6, c. 11 *de iustif.* (Denz. n. 804).

[94] Denz. n. 1020; cf. also n. 748 1539.

370. Divisions. Venial sins are distinguished as of a threefold genus:

1. *ex genere suo*, from their genus, namely those sins whose moral object constitutes only a light disorder, for example a jocose lie, an idle word, etc.;

2. *ex parvitate materiae*, from smallness of matter, namely those sins which indeed of themselves are grave, but nevertheless because of light matter are also light disorders, for example the theft of an obol;

3. *ex imperfectione actus*, from imperfection of the act, when full advertence or full consent is lacking, as happens in all objectively evil second-first acts, for example semi-deliberate impure thoughts.

371. Change of malice. Although venial sin can never become mortal by multiplication, as was said above in n. 367, nevertheless an action objectively evil venially can become subjectively mortally sinful, and conversely an action objectively gravely evil can become subjectively lightly evil. In this sense authors are accustomed to say briefly: venial sin becomes mortal, and conversely mortal sin becomes venial.

a) Venial sin considered objectively becomes subjectively mortal in the following ways:

1. From erroneous conscience. Thus, for example, if someone, firmly believing that every lie committed in the tribunal of penance, even about those things which do not pertain to the integrity of confession, is a mortal sin, nevertheless lies in the confessional, he truly sins mortally. This is clear from what was said above in n. 307 concerning erroneous conscience.

2. From a gravely evil end of the one acting. Thus, for example, if someone lies with the intention of fornicating, he sins gravely. The reason is that the end of the one acting specifies the act. This is clear from what was said above in n. 121.

3. From multiplied matter coalescing. But the matters of sins coalesce if a) they fall under the same precept and b) they are morally united. Thus, for example, several light parts omitted from the same Divine Office coalesce, as do several light eatings done on the same day of fasting; on the contrary, parts pertaining to diverse Offices do not coalesce, nor do light eatings done on diverse days. The matter of small thefts can so coalesce that at last, at some time, it becomes grave; and then the thief sins mortally by each following small theft, because in any following theft he is judged to hold ratified all the preceding takings, which, taken together, assuredly constitute grave matter.[95]

4. From formal contempt. Theologians are accustomed to distinguish a twofold formal contempt: one perfect, the other imperfect. - The first is total rebellion against the superior commanding, so that the subject now refuses to obey in any matter whatever. It is clear that contempt of this kind is always a mortal sin, whenever it is repeated even in a light matter. For it is a grave wound to the virtue of obedience. - The other formal contempt, namely imperfect contempt, is refusal of obedience in some determined matter, yet together with readiness to obey in other matters. Authors do not agree whether even this imperfect contempt, even if it is objectively light, renders any disobedience gravely evil. There seems to be only an apparent disagreement among authors. For if such contempt is material rather than formal, it certainly admits smallness of matter; but if it is strictly formal, so that the superior himself as superior is spurned, it seems always to be gravely sinful according to that saying of St. Luke: "He who spurns you, spurns me,"[96] because it is a grave injury inflicted upon a lawful superior.

5. From grave detriment (whether of material damage, or scandal, or danger of sinning), which is foreseen as going to follow from venial sin. Thus, for example, he sins mortally who foresees that grave quarrels will arise from jocose words; he sins gravely who is so addicted to play that he omits hearing Mass on a day of precept, that he neglects the duties of his state; he sins gravely who from curiosity reads rather free things with proximate danger of falling into grave sin.[97]

b) Mortal sin considered objectively becomes subjectively venial in the following ways:

1. From erroneous conscience. This is clear from what was said above in n. 307.

2. From imperfection of the act,[98] when namely sufficient advertence or full consent is lacking. From imperfection of the act any mortal sin whatever, even that which is mortal *ex toto genere suo*, from its whole genus, such as lust, blasphemy, etc., can become venial. But the reason is that for mortal sin, to which such enormous punishments are inflicted, such as the privation of sanctifying grace, the eternal punishment of gehenna, etc., a human act perfectly deliberated and voluntary is deservedly necessary. For it would be too harsh if such punishments were inflicted on account of an act not perfectly imputable to the agent.

3. From smallness of matter. As is manifest from what was said above, grave matter is required for mortal sin; if this is lacking, mortal sin also must be lacking. Sins mortal from their whole genus do not admit smallness of matter, but only sins mortal from their genus, such as theft, detraction, disobedience, etc.

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[95] Cf. below II in the treatise on justice.

[96] Luc. 10, 16.

[97] Cf. Billuart, *De pecc.* diss. 8, a. 3, § 2.

[98] *S. theol.* 1, 2, q. 88, a. 6.

372. Scholion. On the difficulty of discerning the gravity of sin. All theologians agree that mortal sin is present as often as the three conditions listed above in n. 364 are present; but in practice it is very difficult, indeed not seldom altogether impossible, to judge whether an act committed, with all the circumstances and the dispositions of the penitent attended to, is a mortal sin or not. Who, for example, can always determine with certitude when matter grave and sufficient for mortal sin is accurately present in theft; when sufficient consent was present in depraved thoughts; when sufficient advertence intervened in blasphemies uttered by uneducated men! St. Augustine, as an eagle among the Doctors, confesses that notwithstanding his own study he could not arrive at this, and warns that this must be weighed by divine rather than human judgment.[99] Since these things are so, let the confessor not be prone to judging that such or such an act was a mortal sin. Often he must leave the judgment to divine wisdom; let him be solicitous about arousing contrition in the heart of the penitent, and earnestly exhort him to abstain from every deliberate sin.

As objective criteria for discerning between grave and light sins are held the same things which were indicated above in n. 364 for recognizing grave matter in sin, namely:

1. Authority a) of Sacred Scripture; b) of the Church; c) of the Doctors.

2. Right reason, judging whether some sin wounds gravely or lightly the moral order instituted by God.

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[99] *De civ. Dei* l. 22, c. ult., and *Enchir.* c. 78.

Chapter III. On the Specific Distinction of Sins

373. The Council of Trent[100] teaches that in the sacrament of penance mortal sins must by divine right be manifested according to their species and number. Therefore penitents, and especially the confessor, must know the rules of distinction, both specific and numerical, of sins. These rules, as to specific distinction, are customarily expressed in these little verses:

Object, virtue, diverse precepts, and mode Give species to sins, and diverse guilt of the thing.

St. Thomas[101] draws specific distinction from objects formally diverse. For just as the object is the first foundation of morality,[102] so also the disordered moral object is the first specifying principle of sin. For acts are specified from the object. But the disordered moral object, as it is taken here, also includes those circumstances which redound to the moral essence. Cf. what was said above in n. 144 sqq. concerning the morality of acts arising from circumstances and end.

Scotus[103] repeats the specific distinction of sins from the diverse virtues to which sins are opposed; thus, for example, lust is distinguished in species from theft, because lust is opposed to the virtue of temperance, but theft to the virtue of justice. St. Thomas[104] also knew this rule and did not reject it; yet he writes: "Sins are distinguished in species more according to objects than according to opposites, although, even if they are distinguished according to opposed virtues, it would come back to the same thing; for virtues are distinguished in species according to objects."

Vasquez[105] thinks that the specific distinction of sins must be drawn from morally diverse precepts to which individual sins are opposed. For sin is a voluntary transgression of law or precept, and therefore where there are diverse precepts, there are diverse sins. But if someone asks why the precepts are diverse, he will have no other response except that such precepts have diverse moral objects. Therefore the fundamental reason on account of which sins are specifically distinguished must be drawn from an object formally diverse in the genus of morals. That objects only physically diverse cannot specify sins is clear of itself; for example, the act of stealing an ox and of stealing a horse have a physically diverse object, but the moral object is altogether the same. But when are objects distinguished in moral being? When they have a special and distinct repugnance with the eternal law or right reason. But that a special repugnance of this kind is present is discerned when acts:

a) **Are opposed to diverse virtues.** For just as each special virtue has a special and distinct goodness, so the act opposed to it has a special malice. Thus an act of lust is opposed to the virtue of temperance, but an act of theft to the virtue of justice. Further, since the virtue of temperance is specifically distinct from the virtue of justice, acts of lust and acts of theft also are specifically distinct sins. If one physical act wounds several virtues diverse in species, it contains as many sins specifically distinct as the virtues it has wounded; for example, he who kills his own father wounds the virtues of justice and piety, and therefore commits two sins distinct in species.

b) **Are opposed to the same virtue, but in a morally diverse mode,** for example, one act by excess, another by defect, or in other modes which according to prudent judgment are held as altogether diverse; for example, prodigality and avarice are opposed to the same virtue of liberality, but the former by excess and the latter by defect, and therefore they are two sins specifically distinct; or theft, robbery, detraction, and calumny are all opposed to the one virtue of justice, and indeed by defect, but in modes morally so diverse that they are held as special sins.

c) **Are opposed to precepts not materially but formally diverse.** Precepts are judged only materially diverse when they have indeed been made at diverse times or by diverse lords, but on account of the same intrinsic motive of virtue. But if the intrinsic motive is diverse, the precepts are judged formally diverse. Thus, for example, theft, which is prohibited by a precept civil, natural, and divine, is only one sin in species, because those three precepts have one intrinsic motive, namely to preserve the order of justice. On the contrary, a priest who violates chastity, to which he is bound by force of a vow and by force of the virtue of chastity, commits a twofold sin specifically distinct, because he transgresses two precepts formally diverse, namely the sixth precept of the Decalogue and the precept of the vow.

Recapitulation. From what has been said thus far it follows that sins are specifically distinguished according to morally diverse objects. But objects are morally diverse when they have a specific disorder against right reason and the eternal law. But that specific disorder is recognized from the fact that sins:

a) are opposed to diverse virtues;

b) are opposed to one virtue but in a diverse way;

c) are opposed to formally diverse precepts.

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[100] Sess. 14, can. 7 *de poenit.* (Denz. n. 917); cf. prop. condemned (2) of Peter de Osma (Denz. n. 725).

[101] *S. theol.* 1, 2, q. 72, a. 1.

[102] Cf. above n. 111.

[103] In 2, dist. 37, q. 1, n. 9.

[104] *S. theol.* l. c. a. 1 ad 2.

[105] *Disp. in 1, 2 S. Thom.* disp. 98, c. 2.

374. Resolutions. 1. A brother having carnal intercourse with his married sister commits three specifically distinct sins, because he wounds three virtues, namely chastity, piety, and justice.

2. Lascivious thoughts, lascivious words, fornication, self-abuse, etc., are sins diverse in species in the matter of lust, because they are indeed opposed to one and the same virtue of chastity, but in diverse modes, since they have special disorders against right reason and against the virtue of chastity.
3. If someone culpably violates the fast of Friday in Lent, to which he is bound a) from a precept of the Church, b) from the salutary penance of confession, c) from a vow, he commits a threefold sin specifically distinct, because there is a threefold disorder and a threefold precept formally diverse. For there is a threefold intrinsic motive, namely the virtues of temperance, penance, and religion.

375. Scholion. On the specific difference between mortal and venial sin. Since, according to the truer opinion explained above, the notion of sin belongs not univocally but only analogically to mortal and venial sin; but since on the other hand it is most certain that mortal sin differs maximally from venial sin, theologians are accustomed to say: Mortal and venial sin differ according to theological species, because the first turns away from God and the other does not. But other sins, whether mortal or venial, differ among themselves according to moral species, as lust differs from blasphemy, or as a jocose lie differs from an idle word. Nevertheless venial sin can be referred to the same moral species to which mortal sin is referred. Thus theft of one obol, which is a venial sin, is referred to the same moral species of theft to which theft of 1000 francs is referred, which is a mortal sin.

Chapter IV. On the Numerical Distinction of Sins

376. Preliminary note. Older authors before the Council of Trent are not accustomed to speak at greater length about the numerical distinction of sins, and among modern writers there is no consensus. The Church has thus far defined nothing about this matter. Hence some have said, not inconveniently, that here especially the prudent estimation of men must be attended to, and therefore those sins are judged numerically distinct which are held as such by timorous men. - It is clear of itself that sins specifically distinct are also distinguished numerically, although they are done by one act. Hence he who commits theft in order to

fornicate perpetrates not only two sins specifically distinct, but also two numerically diverse sins; he who steals a sacred thing wounds the virtue of justice and of religion, and therefore his act contains a twofold malice and two sins. - In the present matter there is one question: in what way those sins are distinguished numerically which are of the same species, for example when several thefts, several fornications, several lascivious thoughts, etc., are distinguished numerically. That saying of St. Thomas[106] for the numerical distinction of sins can be held as the following:

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[106] 2, dist. 42, q. 1, a. 1.

377. General principle: "The judgment concerning the unity of that which is said in the genus of morals must be taken according to the unity of the will"; or in other words: There are as many sins as there are acts of evil will not morally united. This principle is customarily explained by these two rules:

378. Rule 1. There are as many sins as there are morally interrupted acts of the will concerning the same object.

An act of the will is morally interrupted when it perseveres neither formally nor at least virtually. But it is judged to persevere neither formally nor virtually:

1. By voluntary revocation. Hence if someone, for example, having lascivious thoughts, afterwards indeed rejects them, but after an interval admits them again, he has made two acts and therefore two sins.

2. By voluntary cessation from the act. For voluntary cessation is an implicit retraction.

If cessation is not voluntary but forced, then one must distinguish between a) acts merely internal, such as thoughts and morose delectations; b) acts mixedly internal, such as desires; c) external acts.

a) If the matter concerns acts merely internal, even involuntary cessation seems to interrupt morally the act begun; for example, while someone delights in obscene thoughts, his friend arrives, with whom he must converse for a quarter of an hour, and on that account he must turn his thoughts to other things; but after the friend has gone away, he again begins to think of obscene things. It seems to be a twofold sin, because the prior act is connected with the second by no bond.[107] Yet in practice it is almost always impossible to find the determined number of merely internal acts of this kind, and therefore it suffices if the penitent accuses himself: I had depraved thoughts, which indeed lasted for so much time.

b) If the matter concerns acts mixedly internal, namely depraved desires (acts of doing), involuntary cessation does not interrupt the act, but that act is judged one which is done from one impulse of passion; and this impulse, according to St. Alphonsus,[108] can last two to three days. Hence, for example, if someone proposes to commit theft and diligently seeks the means for execution, but in fact must desist from the execution of the theft until finally at the end of the third day the matter turns out according to his wishes, he commits only one sin. St. Thomas writes to the point:[109] "It happens that there are several acts according as they are referred to the genus of nature, which nevertheless are one according as they are considered in the genus of morals, as is clear in him who steals: because all his acts which are ordered to the end of theft are sin, since they are done with an evil intention, and these can be very many; and nevertheless all are reckoned as one sin, because they do not have the notion of sin except according as they are ordered by one will to one perverse end."

Generally it must be said that depraved desires which are concerned with some work to be perpetrated or omitted unite into one sin all acts necessary for obtaining the intended end, and that desires do not multiply sins, unless they are explicitly or implicitly revoked. This indeed especially holds if the matter concerns not a work to be perpetrated, but one to be omitted. Hence, for example, he who proposes not to restore another's

goods, and by force of that purpose omits restitution for two years, does not seem to commit more than one sin, although meanwhile he often renews that depraved purpose.[110] But if at some time he retracted the purpose of not restoring, wishing to restore, and afterwards again renews the purpose of not restoring, then the sin is certainly multiplied.

c) If the matter concerns external acts, involuntary cessation, not lasting very long, does not interrupt acts which are as parts or means toward one consummated act. The matter is otherwise if there is question of acts morally complete and total in themselves, which will be treated in the second rule. Hence, for example, he who, intending to read through a depraved book, reads it over several days, does not commit more than one sin; likewise young men mutually mixing obscene words commit only one sin, even if because of the master's intervention they must cease for a quarter of an hour from obscene speech. On the contrary, a young man who twice pollutes himself, or a prostitute who twice fornicates within a quarter of an hour, commits two sins. The reason is that readings or obscene conversations in those cases are not consummated sins, but pollution and fornication are acts morally complete in themselves.

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[107] Cf. Billuart, *De pecc.* diss. 2, a. 4. St. Alphonsus (*Theol. mor.* l. 5, n. 37) tempered this opinion somewhat, saying: "If several acts of this kind proceed from the same impulse of concupiscence, they constitute one mortal sin, even if some brief interval intervenes between the acts."

[108] L. c. n. 39.

[109] 2, dist. 42, q. 1, a. 1.

[110] Cf. S. Alph., *Theol. mor.* l. 5, n. 40.

379. Resolves: 1. If someone wishes to steal 100 francs, but, fearing lest he be caught, takes away this sum by parts and with many intervals interposed, for example by taking 5 francs each week, he commits only one sin, even if he renewed the purpose twenty times and twenty times took away 5 francs. The reason is that all those acts have moral union as tending to one end.[111]

2. He who approaches a woman with the intention of fornicating, but first says many obscene words, performs touches, and finally after an hour completes fornication, commits only one sin, which he sufficiently accuses in confession by saying: I committed fornication once. But if from the beginning he had no determined intention, and then did all those immodest acts, he is bound to declare the individual acts in confession. The same holds more probably concerning the means employed, if someone had the intention of fornicating,[111a] but afterwards did not execute it either because of retraction or because an impediment arose. The reason is that, as St. Alphonsus says,[112] then the sin does not remain only internal, but is externalized in those actions, all of which become evil, since all are informed by an evil end. Other theologians, however, think otherwise. Nor should someone say: Therefore in the second and third case the penitent committed more sins than in the first, where perhaps he perpetrated many more obscene acts; which seems inconvenient. For the response is: Certainly more sins were present in the second and third case, but that one sin in the first case is more culpable before God than the number of sins in the second and third case.

3. A priest who proposes to omit the whole Divine Office on one day, and in fact omits it, commits one mortal sin. But if previously he had intended only to omit Matins and Lauds, and after an interval additionally proposed to omit another Hour, he committed two mortal sins. Yet those two sins are certainly as grave together as one sin committed by omission of the whole Office. A priest who

proposes to omit the Divine Office for ten days seems to commit ten mortal sins, just as also a priest who in fact did not recite this Office for ten days.

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[111] So Gury, *Comp. Theol. mor.* I, n. 163; Noldin, *De principiis* n. 305.

[111a] Yet he must explicitly accuse this sinful intention of fornicating in confession.

[112] L. c. n. 42.

380. Rule 2. There are as many sins as there are objects numerically distinct in moral being or morally total, although they are reached by the same act of the will, indeed even by the same external act.

Objects are judged to be numerically distinguished in moral being when they do not hold themselves morally after the manner of one: either because one is not part of another, or because they are not ordered to the same end. The reason is a) because, just as sins are specifically distinguished and multiplied by objects distinct in species, so *a fortiori* they are multiplied numerically by objects numerically distinct and complete in themselves;[113] b) because the same act can include not only several malices diverse in species, but also in number. So teach Billuart, Concina, Wigandt, St. Alphonsus,[114] all the Redemptorists, Muller, etc., against Suarez, Lugo, Laymann, Noldin, Vermeersch, Merkelbach, Gopfert, and others.

Resolves: 1. He who by one explosion kills ten men commits ten homicides and ten mortal sins, not one, as Noldin[115] and others wish. The reason is that one man is not part of another, and therefore is a total object and has a special right to life, which the killer wounds. Thus at least if the killer intended and foresaw ten homicides. - Here it can be asked, for the sake of an example, how many sins he commits who causes a whole stretch of railway, in which several men are being carried, to perish. The response is: This depends on his intention and foresight. If he intended and foresaw that 50 men would die in the stretch, he commits 50 homicides besides other sins of causing damage, wounding, etc.

2. He who in one speech detracts from several determined persons commits as many sins as there are persons knowingly calumniated by him. The reason is that each person has his own right not to have detraction committed against him. But I say "from several determined persons"; for if someone detracts from some community of men in general, for example from some army of soldiers, he does not commit as many sins as there are soldiers, because then the right of the whole community rather than of the individual members is wounded. On the contrary, he who detracts from one person before several persons seems to commit one sin;[116] indeed also he who detracts from one person in diverse matters. For each of these pluralities is only an aggravating circumstance of one and the same sin.

3. A priest who, in the state of mortal sin, successively either hears several confessions or solemnly baptizes several persons more probably commits as many mortal sins as the confessions he heard or the baptisms he conferred. The reason is that each confession or each baptism is a total object.[117] For the same reason, a priest existing in the state of mortal sin who on the day of the Nativity of the Lord says three Masses successively commits three numerically distinct sins. But a sinful priest who administers the holy eucharist at the same time to 200 persons does not seem to commit 200 mortal sins, but one, because there seems to be one table and one administration. Moreover, it is not so certain that a priest commits mortal sin when he administers the holy eucharist while he himself exists in the state of mortal sin.[118]

4. He who by one immodest speech induces five boys to sin commits five mortal sins. The reason is that each boy is a total moral object having a special right that his soul not suffer detriment.

[113] Cf. Billuart l. c.

[114] *Theol. mor.* l. 5, n. 45.

[115] *De principiis* n. 312.

[116] St. Alphonsus, *Theol. mor.* l. 5, n. 49; cf. also below II, n. 190.

[117] Cf. below III in the treatise on the sacraments in general 58. Noldin (l. c. n. 305) and others teach the contrary.

[118] Ib. 59.

381. Admonition. Certainly the confessor is bound to investigate the species and number of mortal sins, since the Council of Trent has prescribed this. Nevertheless, let there be nothing excessive! Not a few penitents, especially those who have not made confession for a rather long time, cannot, morally speaking, declare all mortal sins according to species and number. Therefore it suffices both for the penitent and for the confessor if, serious diligence having been employed, sins are declared in that way in which it is possible; because then sufficient integrity of confession is furnished, and the confessor sufficiently knows the state of the penitent's conscience. But if the confessor insists too much in inquiring about the ultimate species and exact number of sins, he uselessly torments both himself and the penitents, and will deter penitents from making confession.

Chapter V. On the Causes of Sins

This chapter is divided into two articles: 1. on the causes of sins in general; 2. on temptations to sin.

Article I. On the Causes of Sins in General

382. Preliminary note. Since sin, that "mystery of iniquity," is the greatest among all evils, it is of great interest to know its causes; for if its causes are clearly known, it will also be easier to avoid sin itself. For this reason St. Thomas treats at greatest length, that is, through ten questions in 45 articles, of the causes of sins.[1] But we, studying brevity, cannot treat specially except of the efficient cause and of the exciting causes. For four causes are customarily distinguished: material, formal, efficient, final.

The material cause[2] of sin is that in which sin resides, namely first of all the will, and then also the sensitive appetite and the intellective faculty, but not the external members. For where there is virtue, there sin can be. But in those powers, as being in some way free, virtue can be, but not in the external members, since these are necessarily moved. Thus, for example, the virtue of temperance is in the concupiscible appetite, but fortitude is in the irascible appetite.

The formal cause of sin is its essential constitutive element, namely aversion from God, the ultimate end, if there is question of mortal sin, and disordered conversion to created good.

The principal efficient cause of sin is its author, namely the perverse will, as will soon be proved more broadly. Nevertheless several other secondary efficient causes exist, as will be said below.

The final cause of sin is its intended end. There are indeed diverse particular ends of diverse sins, but the common end of all sins is earthly happiness disorderedly sought.

Leaving aside the material, formal, and final causes, we now treat only of the efficient cause of sin, which indeed is twofold: one interior, namely the faculties of man: intellect, will, imagination, sensitive appetite;[3] the other exterior, namely the devil, the world, external goods.[4]

[1] *S. theol.* 1, 2, q. 75-84.

[2] It is often also called the subject of sin. *S. theol.* 1, 2, q. 74.

[3] *S. theol.* 1, 2, q. 75, a. 2.

[4] Ib. a. 3.

383. Principle. The adequate efficient cause of sin is neither God nor the devil, but only the perverse will. So all Catholic authors. It is proved by parts:

a) **God is not the cause of sin,** as Simon Magus, several Gnostics, the Manichaeans, the Albigensians, Calvin, Zwingli, Beza, and others wished, teaching that God from eternity positively defined and willed all sins which happen in the world.[4a] But this is manifestly false and impious. For in Scripture it is said: "Thou art not a God willing iniquity";[5] and: "Let no one, when he is tempted, say that he is tempted by God; for God is not a tempter of evils, and he himself tempts no one."[6] Hence the Council of Trent deservedly defined:[7] "If anyone says that it is not in the power of man to make his ways evil, but that God works evil works just as he works good works, not only permissively, but also properly and by himself, so that the betrayal of Judas is his own work no less than the calling of Paul, A. S." - This dogmatic truth can easily be proved also from natural reason. For God made every creature for himself and draws all men to himself. Moreover mortal sin is essentially aversion from God, as was said above. Therefore if God willed or caused sin, he would will contraries, namely to convert men to himself and to turn them away from himself.

For greater clarity, however, two things must be distinguished in sin, namely the act itself materially considered and the malice or deformity of the act.

The act materially taken is some being and good, and therefore is caused by God, since there cannot be any being which is not caused by God. Hence, for example, the physical act of adultery is caused by God.

But the malice or deformity of the act, in which precisely the essence of sin consists, is in no way caused by God. For it is privation and defect. To declare this matter more, St. Thomas often uses the example of a lame leg. For just as the soul moves the lame leg and causes the motion, but not the lameness itself, so God moves man to the act and causes the action, but does not cause the defect and disorder of the act. Likewise, as lameness comes from a sick leg, so the disorder or sinfulness of the act comes from the perverse will of man.[8] Hence God in no way wills or causes the evil of fault which is found in any sinful act, although he causes the physical act of sin. But God permits all sins, because unless God permits, nothing would happen. In this sense St. Augustine said:[9] "That which happens even against his [God's] will does not happen apart from his will, because it would not happen if he did not permit it; and certainly he does not permit unwillingly, but willingly."

[4a] Cf. Billuart, *De pecc.* diss. 5, a. 9.

[5] Ps. 5, 5.

[6] Iac. 1, 13.

[7] Sess. 6, can. 6 *de iustif.* (Denz. n. 816).

[8] Cf. *S. theol.* 1, 2, q. 79, a. 2.

[9] *Enchir.* c. 100 (Migne, *Patr. lat.* 40, 279).

384. b) The devil is not the direct and sufficient cause of sin. The reason is that the devil cannot cause sin in us except either by directly moving the will to sinning, or by proposing some evil object and

efficaciously persuading that this object is to be sought. But he can do neither. Therefore...

alpha) The devil certainly cannot sufficiently move the human will, for the human will is essentially free, and therefore its essence would be destroyed if some extrinsic agent could force it to some act. Wherefore St. Thomas in many places forcefully teaches that an evil angel cannot directly and sufficiently move the human will.[10] Indeed man can and must resist the devil, and therefore St. Peter admonishes: "Your adversary the devil, as a roaring lion, goes about seeking whom he may devour; resist him, strong in faith";[11] and St. James similarly says: "Be subject therefore to God; but resist the devil, and he will flee from you."[12]

beta) Next, the devil cannot efficaciously move the will by proposing an object, because the will is moved necessarily by no object except by the ultimate end alone. Indeed the devil can stain the human imagination with unlawful images of every kind; indeed he can totally disturb the use of reason, and also cause most vehement disordered motions in the sensitive appetite; but since the human will always remains free mistress of its acts, hence the devil cannot sufficiently and certainly cause formal sin. St. Thomas[13] briefly states this truth in this way: "The devil by his own power, unless he is restrained by God, can induce someone by necessity to doing some act which of its own genus is a sin, but he cannot induce the necessity of sinning."

There have been those who taught that all sins of men are at least from the suggestion of the devil. But St. Thomas[14] expressly denies this, teaching: "Occasionally indeed and indirectly the devil is the cause of all our sins, insofar as he induced the first man to sin, from whose sin human nature has been so vitiated that we all are inclined to sin.... But directly he is not the cause of all human sins, such that he persuades individual sins. Origen proves this from the fact that, even if the devil did not exist, men would have appetite for foods and sexual things and the like; and this could be disordered unless it were ordered by reason, which is subject to free will." - These things must be kept before the eyes; for they serve to foster our humility. For we must not say, as the first parents did in paradise: The devil seduced us to sin; but it is necessary humbly to confess: I have sinned exceedingly through my fault, through my most grievous fault. Therefore only the perverse will, led by disordered love of self, is the adequate cause of sin. Indeed besides the devil, also perverse men, worldly allurements, and one's own disordered passions can instigate to sin, but it belongs to the will alone to consent to sin, and without that consent no sin can ever be present.

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[10] Cf. *S. theol.* 1, 2, q. 9, a. 6; q. 80, a. 1 et 3; *De malo* q. 3, a. 4.

[11] 1 Petr. 5, 8.

[12] Iac. 4, 7.

[13] *S. theol.* 1, 2, q. 80, a. 3.

[14] L. c. a. 4.

Article II. On temptations to sin

On Temptations to Sin.[15]

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[15] Cf. Hense, *Die Versuchungen*^2 (Freiburg i. Br. 1902, Herder); Monsabre, *La tentation. Retraites pascales* 1877.

385. Notion. A twofold temptation is customarily distinguished: one of testing, the other of seduction. a) Temptation of testing is nothing other than examination or trial. Hence St. Bonaventure[16] says: "To tempt is to test," and St. Thomas[17] teaches: "To tempt is properly to take an experiment concerning someone." This examination or trial is instituted for this end, that something may be known concerning the one tempted; and therefore the proximate end of anyone tempting is knowledge. Temptation of testing can be done by God, by

man, and by the devil. In this way God tempted the obedience of Abraham,[18] the patience of Tobias and Job.[19] Indeed God never tempts so that he himself may know, since he is omniscient, but so that he may make others know. Hence it is said: "The Lord your God tempts you, that it may become manifest whether you love him."[20] Man tempts another man in order to know his faculties; hence an examination is customarily also called a trial. Sometimes man also tempts God, namely if, as if uncertain, he presumes to test the power of God. Then there is that sin which is called tempting God. Finally the devil in this sense can tempt in order to know certain things which are useful to him. Ordinarily, however, the devil tempts not in order to know, but in order to seduce. b) Temptation of seduction is an incitement to sin, which indeed comes from a threefold cause: from our corrupt nature, from the world, from the devil; but not from God.[21] Here only this temptation is treated.

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[16] 3, dist. 23, a. 4, q. 1.

[17] *S. theol.* 1, q. 114, a. 2.

[18] Gen. 22, 1.

[19] Tob. 2, 12.

[20] Deut. 13, 3.

[21] Iac. 1, 13.

386. The authors of temptations, or their causes, are therefore three, of which the chief is our nature corrupted by original and personal sin, or concupiscence.

1. Concupiscence is the first author of temptations. Wherefore St. James says: "Everyone is tempted, drawn away and enticed by his own concupiscence."[22] This disordered concupiscence is aptly called by the Council of Trent[23] the tinder of sin; and it is nothing other than a disturbance of the lower powers of the soul. For after original sin the lower powers of the soul easily and often rebel against the higher, namely the will and intellect, and draw them to sin. - St. John[24] distinguishes a threefold disordered concupiscence: concupiscence of the flesh, which is a true domestic enemy[25] drawing man to sins against the virtue of temperance, for example, to lust, drunkenness; concupiscence of the eyes,[26] which incites to avarice, which as a kind of root supplies sap to all sins;[27] pride of life, which is the beginning of every sin[28] and which deservedly is called a subtle vice, both because it is detected with sufficient difficulty and because it strives to lie in wait even for good works.

2. The world is the second author of many temptations. Hence St. John admonishes: "Love not the world."[29] ... Under the name of the world here two things are understood: the irrational world or material goods, and the rational world or worldly men. The irrational world or earthly goods cause temptations instrumentally, insofar as they excite our disordered concupiscences, concerning which it was already said above. But worldly men tempt to sin by their depraved example and by deadly persuasions against faith and good morals, or by their scandal and cooperation in evil, concerning which there will be a fuller discussion below II, 605 sqq. But whoever wish to live piously, not consenting to worldly allurements, are held in hatred by the world and suffer persecution. Wherefore Christ consoles the apostles, saying: "If the world hates you, know that it hated me before you."[30]

3. The devil is the third author of temptations, who is simply called the tempter,[31] since he tempted the first parents, Job, Christ himself, Judas Iscariot,[32] and almost all men, and that especially at the hour of death.[33] Hence St. Thomas[34] teaches: "Although man sometimes ... tempts, he does this insofar as he is a minister of the devil"; and the proper office of the devil is to tempt to sin. The devil indeed cannot directly cause sin in man, as was said above in n. 384, but he allures to sin in diverse ways, for example by exciting representations in

the external or internal senses, from which disordered passions are vehemently stirred, by disturbing the soul with illusions, scruples, desperation, etc.

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[22] Iac. 1, 14.

[23] Sess. 5 *de pecc. orig.* (Denz. n. 792).

[24] 1 Io. 2, 16.

[25] Cf. Matth. 10, 36.

[26] St. Thomas (*S. theol.* 1, 2, q. 77, a. 5), under concupiscence of the eyes, understands both disordered curiosity for knowing and a disordered propensity toward riches and other material things.

[27] Cf. 1 Tim. 6, 9.

[28] Cf. Eccli. 10, 15.

[29] 1 Io. 2, 15.

[30] Io. 15, 18.

[31] Matth. 4, 3.

[32] Io. 13, 2, 27.

[33] Conc. Trid. sess. 14, *de sacr. extr. unct.*, prooem.

[34] *S. theol.* 1, q. 114, a. 2.

387. Principle 1. To consent to temptation, but not to feel temptation, is sin.

This proposition is of faith; for the Council of Trent teaches:[35] "But this holy Synod confesses and understands that concupiscence or the tinder remains in the baptized; since it has been left for the struggle, it cannot harm those who do not consent but who resist manfully by the grace of Christ Jesus; indeed, he who has lawfully contended shall be crowned. This concupiscence, which the apostle sometimes calls sin, the holy Synod declares that the Catholic Church has never understood to be called sin because it truly and properly is sin in those reborn, but because it is from sin and inclines to sin. But if anyone should think the contrary, A. S." The same is clear from proposition 50 of Baius condemned: "Depraved desires to which reason does not consent and which a man suffers unwillingly are prohibited by the precept: Thou shalt not covet."[36] But the intrinsic reason is that no act is imputed to a man unless it is produced by a deliberate and consenting will. - Apart from the most holy Virgin Mary, in whom the tinder of sin was not, all men, even the most holy, are pressed by temptations, as is often narrated in the lives of the saints. - Moreover temptations can be very useful for the spiritual life, as inducing to the exercise of many virtues, for example, humility, prudence, penance, confidence in God, etc.[37]

Corollary. To consent to temptation is sin, as is clear of itself. Therefore it is necessary to dissent from temptation or at least not to consent.

Concerning a temptation that has arisen, man can conduct himself in three ways: a) merely passively or indifferently, that is, employ no means for driving it away; b) not consent, that is, positively restrain consent, but place no act directly contrary to the temptation; c) dissent, that is, suppress the temptation by contrary acts.

a) It is not licit to conduct oneself merely passively, in the sense explained, toward temptation, because this would be to make little of the danger of sinning, which is almost always joined with temptation.[38]

b) Not to consent, without an act directly contrary to the temptation being posited, is licit from a just cause; indeed sometimes it is commendable. For in this way the danger of sinning is not only sufficiently forestalled, but also not rarely more efficaciously removed. Thus, for example, carnal motions are customarily better and more quickly calmed by diverting the thoughts to other objects, while on the contrary sometimes they become more vehement from positive resistance attempted. Indeed if those motions are caused from a less honest action, such action must be omitted.

c) To dissent, that is, positively to suppress the temptation through contrary acts, is required when otherwise the proximate danger of sinning is not avoided. This indeed is customarily the case in temptations against faith, hope, charity, humility, etc.

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[35] Sess. 5, can. 5 *de pecc. orig.* (Denz. n. 792).

[36] Denz. n. 1050; cf. also props. 51, 75, 76 (Denz. n. 1051, 1075, 1076).

[37] Cf. Monsabre, *La tentation. Retraites pascales* 1877-1878.

[38] Cf. Billuart, *De temp.* diss. 6, a. 15, § 2.

388. Principle 2. It is not licit rashly to provoke temptation, for example, by committing oneself to proximate danger of sinning without grave cause. But he who does this sins gravely, although he does not fall into that sin to whose danger he exposes himself.

The reason is that anyone is bound to flee from sin as from the face of a serpent; but if he rashly exposes himself to the danger of sinning, he gravely wounds charity toward himself, and even if perhaps he does not fall into the sin whose danger he loves, nevertheless he is guilty as if he had truly fallen. For just as it is not licit by rash daring to expose oneself to the proximate danger of losing bodily life, so *a fortiori* it is not licit to expose oneself to the danger of losing spiritual life, which is lost by mortal sin. - But I say: it is not licit rashly to expose oneself to the danger of sinning; for if there is grave cause, then it is licit, provided the cautions necessary for resisting sin are employed; for example, a physician can undertake the functions of his art, even if grave dangers and vehement temptations of sins arise from it. Moreover this whole question concerning avoiding the dangers of sins will return in the treatise on penance, when there will be discussion of those in occasions of sin and of habitual sinners.

Note. In doubt whether some penitent consented to internal temptations, the principle of presumption must be employed. For if the penitent is of a timorous conscience, the presumption stands for him, and it is licit to presume that consent was not present. But if the penitent is of a lax conscience and a freer life, the presumption stands against him, and consent to the temptation can be presumed.

389. Remedies against grave temptations are chiefly the following: a) vigilance, according to that saying: Brothers, "be sober and watch, because your adversary the devil, as a roaring lion, goes about seeking whom he may devour."[39] Hence Christ himself admonished the disciples: "Watch and pray, that you enter not into temptation."[40] Then b) humility, because "God ... gives grace to the humble."[41] c) Confidence in God, because "I can do all things in him who strengthens me";[42] and d) fervent prayer. Hence Christ taught us to pray: "And lead us not into temptation,"[43] that is, do not permit us to sin in temptation. e) Frequent use of the sacraments and sacramentals, by which actual graces are conferred for conquering temptations. f) Consultation made with a good spiritual director. Let no one be judge in his own cause, says the common adage. A man can judge with difficulty concerning the state of his own soul, and therefore it is preferable that he reveal his difficulties and temptations to a learned and pious spiritual director, who, aided by the light of divine grace, is able to indicate efficacious means for conquering temptations.

[39] 1 Petr. 5, 8.

[40] Matth. 26, 41.

[41] Iac. 4, 6; 1 Petr. 5, 5.

[42] Phil. 4, 13.

[43] Matth. 6, 13; Luc. 11, 4.

Chapter VI. On the Effects of Sin

390. Preliminary note. 1. After St. Thomas in the *Summa Theologica* treated of the causes of sin, he treats of its effects. Following in the footsteps of the Angelic Doctor, we also treat of the effects of sin, yet omitting those things which are had concerning the effects of original sin, since these are now customarily treated rather in Dogmatics. Indeed several deadly effects of original sin are produced, more or less, also by personal sin; for example, those four wounds which original sin inflicted on human nature are renewed and aggravated through personal sin, namely ignorance in the intellect, malice in the will, weakness in the irascible power, and disordered concupiscence in the concupiscible power. For mournful experience manifestly shows that by personal sins often repeated the human intellect is gradually blinded concerning the truths of faith and morals. Indeed this frequency of sins can blind the intellect to such an extent that it scarcely, or not even scarcely, sees the ways of salvation, but as if headlong in darkness rushes from one sin into another. Moreover malice in the will is caused and increased by repeated vices, so that at last, at some time, obstinacy is effected. That weakness in resisting and a greater disordered propensity in desiring arise from repeated sins is especially clear in disordered passions, for example in sins of drunkenness, lust, etc. The Angelic Doctor[44] briefly gathers all these things, saying: "Those four wounds were inflicted on the whole of human nature from the sin of the first parent. But because the inclination to the good of virtue in each one is diminished through actual sin, those also are the four wounds consequent upon other sins, insofar namely as through sin reason is dulled chiefly in things to be done, and the will is hardened toward good, and a greater difficulty of acting well increases, and concupiscence burns more intensely."

[44] *S. theol.* 1, 2, q. 85, a. 3.

391. 2. The effect of sin is called by more modern authors *habitual sin*; this name does not seem to be a happy innovation, since habitual sin can easily be confused with a habit of sinning, which nevertheless is altogether something else. Habitual sin is understood as the culpable disorder remaining from any sin, or the state of sin. The ancient theologians of the Middle Ages called this a stain.[45] But under the name of stain they properly understood voluntary privation of sanctifying grace;[46] and therefore stain, properly speaking, is not caused except by mortal sin: "Venial sin indeed impedes actual brightness, but not habitual brightness, because it neither excludes nor diminishes the habit of charity and of the other virtues, but only impedes their act. But stain imports something remaining in the stained thing; hence it seems more to pertain to the detriment of habitual brightness than of actual. Hence properly speaking venial sin does not cause stain in the soul. And if somewhere it is said to introduce stain, this is in a certain respect, insofar as it impedes brightness, which is from acts of the virtues."[47]

Since the chief division of actual sin is into mortal and venial, the effects of mortal and venial sin must be seen separately.

[45] Concerning the diverse opinions about the stain of sin, see Billuart, *De pecc.* diss. 7, a. 2, § 2.

[46] St. Thomas teaches: "Stain is not something positive in the soul, nor does it signify privation alone, but it signifies a certain privation of the brightness of the soul in order to its cause, which is sin; and therefore diverse sins introduce diverse stains" (*S. theol.* 1, 2, q. 86, a. 1, ad 3).

[47] *S. theol.* 1, 2, q. 89, a. 1.

Article I. On the Effects of Mortal Sin

392. Several effects of mortal sin are indeed enumerated, but all are founded as in a root in the loss of sanctifying grace. That sanctifying grace is truly lost through mortal sin is of faith; for the Council of Trent defines:[48] "It must be asserted that the grace of justification received is lost not only by infidelity, through which faith itself is lost, but also by any other mortal sin, although faith is not lost." Just as sanctifying grace was the cause of original justice and of the whole felicity of the first parents, so the loss of that grace through sin was the cause of all evils. With proportion preserved, sanctifying grace in the same way causes the nobility and happiness of any man, while on the contrary the loss of it brings a great misfortune upon any man. For sanctifying grace is a participation of the divine nature in the soul of the just man; through it man becomes a sharer of the divine nature,[49] becomes the temple of God,[50] becomes a co-heir of Christ,[51] and receives all the infused virtues and the gifts of the Holy Spirit. All these things indeed are destroyed in the blink of an eye by one mortal sin. Hence, by enumerating individually, the following effects of mortal sin appear:

1. Loss of sanctifying grace.

2. Loss of the infused virtues, and also of the gifts of the Holy Spirit.

The reason is that the infused virtues receive their form, that is, direction, from charity. But sin is directly opposed to charity, since sin is essentially a grave offense against God. Charity and mortal sin destroy one another. Where charity is, there is no sin; but where mortal sin is, there is no charity. Faith and theological hope are not utterly destroyed by mortal sin; nevertheless they become, as theologians are accustomed to say, unformed, that is, their acts lack direction to the ultimate end.[52] This loss of virtues and gifts is most grave, and to it can be applied those things which Jeremiah utters lamenting over Jerusalem, which is a type of the soul, destroyed: "How does the city sit alone, full of people!"[53] Before sin is committed the soul is filled with most sweet inhabitants, namely the three divine persons dwelling in it, the three theological virtues, the four cardinal virtues, and the seven gifts of the Holy Spirit; but after sin is committed these inhabitants are violently cast out, and the soul remains alone and deserted.

3. Loss of all merits.

The soul by sinning mortally loses the merits which it acquired in its whole life, since "all his justices which he had done shall not be remembered."[54] Jeremiah expresses this fittingly: "The enemy has put his hand to all her desirable things."[55] From divine mercy these merits, mortified through sin, after grace has been recovered, live again.[56] But all good works done in the state of mortal sin merit no eternal reward, because, charity being absent, the works of man are not accepted before God.

4. Most foul defilement of the soul.

Through sanctifying grace the soul obtains a most beautiful brightness and incomparable beauty. Therefore in the Canticle of Canticles the beauty of the bride, which is a figure of the just soul, is extolled with such great praises. But when grace is lost through sin, in place of that beauty the soul receives a foul stain; St. Thomas[57] explains this in this way: "Stain is properly said in bodily things, when some bright body loses its brightness from contact with another body, as a garment and gold and silver. But in spiritual things, according to the

likeness of this, stain must be spoken of. Now the soul of man has a twofold brightness: one indeed from the refulgence of the natural light of reason; ... but another from the refulgence of divine light, namely of wisdom and grace.... But there is, as it were, a certain touch of the soul, when it adheres to certain things through love. But when it sins, it adheres to certain things against the light of reason and of the divine law. Hence the very detriment of brightness arising from such contact is metaphorically called the stain of the soul." Jeremiah very forcefully describes this defilement of sin: "And from the daughter of Sion all her beauty has gone out";[58] "He has killed everything that was beautiful to sight in the tabernacle of the daughter of Sion";[59] "Their face has become blacker than coals, and they have not been known in the streets; their skin has adhered to their bones, it has dried up and has become like wood."[60] With how great a foulness the soul is contaminated by mortal sin can in some way be understood from the following deduction. The common adage is: the corruption of the best is the worst; that is, the nobler a thing is, the worse is its corruption. Now the human soul, ennobled by sanctifying grace and as it were deified, obtains the first place among all sublunary creatures. Therefore its corruption caused by mortal sin will be worse and fouler than any other corruption. A corrupted stone is foul; a corrupted plant is fouler; the putrefying corpse of a dog is still fouler; the putrefying corpse of a man is still fouler; but the soul, and that one elevated to the supernatural order, if it is dead and putrefying through mortal sin, is the foulest of all. Therefore it is no wonder if St. Philip Neri, who by a special grace saw a soul in the state of mortal sin, exclaims that nothing is fouler in the whole world than a soul defiled by mortal sin. Briefly but forcefully Peter Chrysologus[61] expresses this doctrine in these words: "When the soul departs, at once stench, corruption, putrefaction, worm, ashes, horror, and all things detestable to sight succeed to the body. When God departs, immediately there comes into the soul the stench of sins, the corruption of crimes, the putrefaction of vices, the worm of conscience, the ashes of vanities, the horror of infidelity, and there comes to be in the living sepulcher of the body the funeral of the soul already buried."

5. Remorse of conscience.

Because a) the natural law is indelibly inscribed in the heart of man; b) synderesis always dictates that good is to be done and evil is to be omitted; c) conscience is as it were the herald of God, crying out with a loud voice against the offender of God, hence in the soul of the sinner there arises a most painful struggle. Wherefore the words of Sacred Scripture are most true: "There is no peace for the impious,"[62] and "We were threatened at our necks; to the weary no rest was given."[63] - These remorses of conscience were represented by the ancient pagans under the likeness of the Furies, that is, of women whose hair was snakes or serpents.

6. The guilt of eternal punishment.

This guilt is the debt of punishment to be paid on account of the sin committed. For mortal sin is essentially an offense against God and the greatest disorder. But God, who established the best order in the whole universe, cannot permit that this order be wounded with impunity. Hence St. Thomas[64] rightly teaches: "Whatever rises up against some order, it is consequent that it be depressed by that order itself or by the prince of the order, ... and this depression indeed is punishment." This punishment must in some way correspond to the disorder or fault committed. Moreover, sin brings in a quasi-infinite fault or malice, as was said above in n. 356. Therefore the punishment which is inflicted on sin must be infinite in some way. In fact that punishment is twofoldly infinite in some way, namely a) because an infinite good is lost, that is, the beatific vision; this punishment is graver and is called the punishment of loss; b) because the damned are punished in gehenna through a quasi-infinite duration, that is, through all eternity, both with the punishment of loss and the punishment of sense. Briefly but adequately this twofold punishment is expressed in the terrible words of Christ to come: "Depart from me [punishment of loss], accursed, into eternal fire [punishment of sense]."[65] For fuller treatment of the punishments of gehenna, see the treatise on the other world or on the last things.

Not rarely mortal sins already committed are punished in this life by diverse grave punishments, for example diseases, loss of reputation, goods, peace, etc.; just as also sometimes God as a punishment withdraws assisting grace from the sinner, who thence from day to day perpetrates greater and more numerous sins.

From all things said thus far and very briefly indicated, it evidently follows that mortal sin is rightly and deservedly called a mystery of iniquity, and that too most fruitful, namely producing the most deadly effects.

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[48] Sess. 6, c. 15 *de iustif.* (Denz. n. 808).

[49] Cf. 1 Petr. 1, 4.

[50] Cf. 2 Cor. 6, 16; 1 Cor. 3, 16 and 17.

[51] Cf. Rom. 8, 17.

[52] Whether unformed faith is a true virtue will be said below in the treatise on faith. Theological hope also remains in some way after mortal sin (cf. *S. theol.* 1, 2, q. 65, a. 4).

[53] Thren. 1, 1.

[54] Ez. 18, 24.

[55] Thren. 1, 10.

[56] *S. theol.* 3, q. 89, a. 5.

[57] *S. theol.* 1, 2, q. 86, a. 1.

[58] Thren. 1, 6.

[59] Thren. 2, 4.

[60] Thren. 4, 8.

[61] *Sermo* 19 (Migne, *Patr. lat.* 52, 252).

[62] Is. 48, 22; 57, 21.

[63] Thren. 5, 5.

[64] *S. theol.* 1, 2, q. 87, a. 1 (ed. Leon.).

[65] Matth. 25, 41.

Article II. On the effects of venial sin

393. It has already been said above, n. 367, that it is very difficult to determine in what precisely the essence of venial sin is situated. But as to the effects which venial sin produces, the Doctors agree sufficiently. The principal effects are:

1. Privation of the actual brightness of the soul.

The soul in the state of sanctifying grace shines like a star. When venial sin comes upon it, this brightness is darkened, although it is not properly stained. St. Thomas deservedly does not admit that a stain properly so called comes from venial sin, as was said above in n. 391. Elsewhere,[66] however, the Angelic Doctor admits a certain quasi-stain of venial sin, which brings with it "an inclination of affection disordered toward some temporal thing." The stain which is produced in the soul through mortal sin is not unfittingly compared to spiritual leprosy, which disfigures the face of a man and which cannot be removed unless the man's health has been restored, namely through a new infusion of sanctifying grace. But the quasi-stain caused by venial sin is

filth adhering externally to the face, which can be washed away by the man himself, namely through the removal of disordered adherence to temporal things.

2. Difficulty in the exercise of charity and the other virtues.

St. Thomas constantly teaches that the infused habit of charity cannot be diminished, neither effectively nor meritoriously.[67] Certainly charity can be destroyed through mortal sin, as was said above in n. 392; it can also be increased through meritorious works, but it cannot be diminished. Hence if someone having charity, for example of 100 degrees, commits a thousand venial sins, he will not obtain less glory in heaven than one who has equal charity without any venial sin. The first indeed will expiate punishments for the thousand venial sins committed through a long duration in purgatory, but when the washing has been completed he will have equal glory with the other. The reason why the habit of infused charity cannot be diminished is this: charity, as existing about the last end, that is, God himself, is not touched by venial sin, which is only a disorder about means to the end. For love of the end can exist whole, even if the means, not necessary, to the end are lightly esteemed. But although venial sin is not able directly to diminish charity, nevertheless it renders the acts of charity and of the other virtues more difficult, because little by little it causes evil passions and contrary habits.

3. Subtraction of many graces.

Venial sin leads to tepidity, and a tepid man is not so disposed to receive divine grace as a fervent man. A darkened crystal does not receive the rays of the sun so purely and abundantly as a transparent glass. Wherefore the words of Sacred Scripture,[68] "Because thou art lukewarm, and neither cold nor hot, I will begin to vomit thee out of my mouth," can be applied to a soul given over to venial sins. God gradually withdraws grace from such a soul, and from this withdrawal the exercise of virtues becomes more burdensome, while a fall into mortal sin becomes more imminent. Hence as another effect of venial sin there is assigned:

4. Disposition toward mortal sin.

Although ten times a hundred thousand venial sins do not equal one mortal sin, yet venial sins often repeated, fully deliberate, proximately dispose to mortal sin. For, as is clear from what has been said, through venial sin the fervor of charity is diminished, disordered passion is increased, divine grace is gradually withdrawn, and as an almost inevitable consequence there is a fall into mortal sin. Hence it is said: "He that contemneth small things shall fall by little and little."[69]

5. Guilt of temporal punishment.

Since venial sin is a true fault, to it there is owed a punishment, which indeed is not eternal, but temporal or transitory. Many punishments of venial sin are indeed sometimes inflicted on this earth; but in the other life there is inflicted the punishment of purgatory, concerning which St. Thomas[70] teaches with the other Doctors that the least punishment of purgatory exceeds the greatest punishment of this life. That purgatory really exists has been defined many times by the Church, for example by the Second Council of Lyons,[71] by the Council of Florence,[72] and by the Council of Trent.[73]

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[66] *S. theol.* 3, q. 87, a. 3 ad 3.

[67] *S. theol.* 2, 2, q. 24, a. 10. Of the scholastics, almost Dionysius the Carthusian alone taught that venial sins directly diminish sanctifying grace and charity.

[68] Apoc. 3, 16.

[69] Eccli. 19, 1. Cf. *S. theol.* 1, 2, q. 88, a. 3.

[70] 4, dist. 21, q. 1, a. 1.

[71] Denz. n. 464.

[72] Denz. n. 693.

[73] Denz. n. 777, 840, 983.

Chapter VII. On internal sins

394. Notions. Internal sins are called those which are perfected within the heart of man and do not appear outwardly, except perhaps because of an effect accidentally following from them. There are three species of them: morose delectation, joy, desire. - That internal sins, and not only external acts, as the Pharisees thought, are really sins is clear from many texts of Sacred Scripture. Already in the decalogue there is the precept: "Thou shalt not covet."[74] But in Proverbs it is said: "Evil thoughts are an abomination to the Lord,"[75] and in the book of Wisdom: "Perverse thoughts separate from God."[76]

The three internal sins enumerated are not only true sins, but are also more dangerous sins, because a) they are more easily perpetrated; b) they are more difficultly avoided; c) they are less cared for. Hence it is better to treat of them specially and individually.

Note. Although internal sins are wont chiefly and more frequently to occur in the matter of lust, nevertheless they can also be in any other evil matter, for example in hatred of neighbor, in injury to justice, etc.

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[74] Deut. 5, 21; cf. Rom. 7, 7 and 13, 9.

[75] Prov. 15, 26.

[76] Sap. 1, 3. Cf. Matth. 23, 27.

Article I. On morose delectation

395. Notion. Morose delectation is a sinful complacency concerning some evil representation exhibited to us by the imagination, without desire.

It is called a) morose, not from a delay of time, as though a rather long time were required, but from a delay of reason, because, namely, reason, deliberating, freely stops or lingers in that evil complacency, even if perhaps only for a few moments.[77]

It is called b) concerning some evil representation exhibited by the imagination, to signify its object. For morose delectation is not directly concerned with the external work itself, but with the work exhibited to us by an image. - In order that the matter may become clearer, it must be observed that delectation in general is nothing other than the repose of the rational appetite, the will, or of the sensitive appetite, in some pleasing good. Moreover, this delectation can be concerned with four objects, namely 1. with the external work itself, for example delectation in causing damage; 2. with the external work represented through the imagination, for example delectation concerning damage to an enemy depicted to me through phantasy; 3. with the subtle and ingenious manner in which an evil work has been done, *filouterie*, *Gaunerstreich*, roguish trick; 4. with the thought or cognition of an evil work, for example a moralist takes pleasure in the knowledge acquired concerning damage, concerning lust, because he needs such knowledge in the confessional.

Note. Morose delectation is by no means to be confused with venereal delectation, concerning which there will be discussion below, II 681.

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[77] Cf. *S. theol.* 1, 2, q. 74, a. 6 ad 3.

396. Moral character. With these notions and distinctions having been set forth, I say: The first delectation is the very sin of the external work[78] which is pleasing.

The second delectation is properly called morose delectation, and is of the same species and gravity as the evil work to which it refers. The reason is that no one would take delight in those internal representations unless he were inwardly inclined to the evil work itself, although he would not wish to complete it outwardly. Hence deliberate consent in such delectation is nothing other than approval of the sinful thing, or even an affection freely inclined into the evil work itself, for example into fornication.[79] In one word: he who voluntarily takes delight in an evil thing, represented, and does this fully deliberately and advertently, loves the thing itself and is voluntarily affected toward it. Hence it is said in Sacred Scripture: "Evil thoughts are an abomination to the Lord."[80]

The third delectation, concerning the ingenious manner in which a shameful act was perpetrated, is not evil of itself, since that ingenious manner is not of itself something evil but good. Thus, for example, someone could take delight and laugh while seeing the manner in which poor little women quarrel among themselves, or in which obscene deeds are narrated; or someone could take delight while seeing statues or images very artistic, although they represent illicit objects, or while seeing lewd spectacles represented with great art, or while reading books of classical authors in which lewd things are narrated in a most beautiful style.[81] Nevertheless, that pleasures of this kind often are dangerous and give occasion for sinning will be said below, n. 398.

The fourth delectation, concerning the cognition of an evil thing, likewise is not evil of itself. For such delectation is concerned with a good object; for every cognition is a certain perfection and something good. "Hence such delectation, in whatever way it may follow a thought of evils, is entirely not a sin, but a laudable delectation, as when someone takes delight in the thought of truth; or if there is some immoderation there, it will be contained under the sin of curiosity."[82] Wherefore it can be said briefly: an evil thought is evil, but a thought about an evil thing is not always evil. Sometimes it is evil accidentally, as will be said below, n. 398.

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[78] Cf. nevertheless what was said above in nn. 87 and 88 concerning consequent passion.

[79] Cf. *S. theol.* l. c. a. 8.

[80] Prov. 15, 26.

[81] Cf. S. Alph., *Theol. mor.* l. 5, n. 18.

[82] S. Thom., *Quaest. disp. de verit.* 15, a. 4; cf. *S. theol.* 1, 2, q. 74, a. 8. In the French and German languages one must distinguish *pensees mauvaises*, *schlechte Gedanken* (morose delectation), and *pensees sur des mauvaises choses*, *Gedanken uber schlechte Dinge* (speculative thought about evil things).

397. Specific malice. Morose delectation concerning an object gravely evil represented through the imagination is a mortal sin, and is specified from the object itself. Indeed of itself it would probably be specified from the object and from circumstances changing the species, since it is a sinful complacency not only in the evil represented object, but also in its represented circumstances. Hence one who had morose delectation concerning represented adultery ought to say in the confessional that he was delighted concerning adultery, and one who had morose delectation concerning incest ought to say that he was delighted concerning incest. Nevertheless, in practice very often it suffices if the penitent accuses only generically that about which the delectation was, without the circumstances. For example, it suffices if the penitent confesses that he had evil thoughts against chastity or against charity, etc.

The reason is, a) because it is almost always morally impossible for a penitent, especially if he has not confessed for a rather long time, to declare each and every evil thought according to objects and circumstances. Often it is already very difficult to find the number of those thoughts. Therefore a fortiori it is most difficult to indicate not only the number, but also the individual objects about which the evil thoughts were concerned. Moreover, moral impossibility excuses from material integrity of confession, as will be clear below in the treatise on penance. There is added, b) that evil thoughts, especially in the matter of lust, to which desire is not joined, are wont quickly to pass over from one object to another, nor do they exhibit the object with all its circumstances very clearly, but only in a vague and indeterminate way. But if the representation is so unstable, the delectation following therefrom also cannot put on all the circumstances of the represented object. - On account of these two reasons, let the confessor not torture a penitent accusing himself of evil thoughts against chastity, without desire, by asking him about what object in particular the thoughts were concerned.[83] Aertnys-Damen[84] calls this opinion very probable; nor is St. Alphonsus[85] contrary, teaching that the circumstances of it are to be accused, not indeed necessarily by reason of morose delectation alone, but on account of the proximate danger of falling into evil desires. For although objectively such a danger is often present, nevertheless subjectively it is often not perceived, and consequently it is not a formal sin nor is it necessarily to be accused.

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[83] Billuart treats this matter very well and broadly, *De temperantia* diss. 6, a. 15, § 3. Cf. also Bucceroni, *Instit. theol.*^8 I 291; Lehmkuhl, *Theol. mor.*^11 I 364.

[84] *Theol. mor.* l. 1, n. 246.

[85] *Theol. mor.* l. 5, n. 15.

398. Distinctive criteria. We said above that delectation both concerning the ingenious manner of doing an evil thing and concerning the theoretical thought alone of an evil thing is not of itself something evil, but nevertheless is dangerous and consequently sinful if it takes place without sufficient reason. The reason for this danger is that so easily a transition is made from these delectations to evil delectation concerning the evil thing itself. Hence it is customarily asked how, in practice, one delectation can be discerned from the other. There are chiefly three criteria indicating the distinction:

1. The motive or good intention of the agent. For if someone from a pure and good motive studies or speaks about these things, for example a confessor, physician, artist, etc., it is permissible to presume delectation concerning the thought and not concerning the thing itself thought.

2. The habitual inclination of the agent. If someone is habitually inclined and sins rather frequently, for example in matters of lust, then his thoughts are presumed to be no longer merely theoretical but concerning the evil things themselves.

3. Sufficient cause. For if someone without any cause or from mere curiosity takes delight concerning the manner in which an evil thing has been done or represented, it is a venial sin; but if he does this because he is bound to attend to such things, it is no sin. - The older authors already, Castropalaus and the Salmanticenses, observed, and priests themselves should have this before their eyes, that those who frequently and more willingly speak about hidden parts of the body, about illnesses, garments, and other things pertaining to them, and easily break forth into unbecoming laughter, are not rarely being carried along latently by delectation of the flesh. Hence a priest who is a lover of chastity, when he either hears these things unwillingly or brings them forward for a just cause, ought to furnish no sign of gladness, but to preserve serenity and gravity of countenance in all things.

Article II. On sinful joy

399. Notion. Joy, insofar as it constitutes a special internal sin, is the deliberate complacency which someone has concerning an evil thing carried out either by himself or by others.

It is therefore a certain approval of evil previously perpetrated. St. Alphonsus[86] and with him very many modern authors, such as Gury, Aertnys, Marc, Gopfert, etc., distinguish morose delectation from desire and joy in the following way: desire is concerning some future thing; joy is concerning a thing or act in the past; morose delectation is concerning the present imagination of some thing, abstracting from whether the thing itself is past or present or future. For morose delectation altogether abstracts from every external work. But the older authors took joy and morose delectation indiscriminately, or at least admitted no specific difference between the two, and consequently in their sense all those things which were said above concerning morose delectation are valid concerning evil joy.

To this joy are reduced a) boasting concerning a sin committed; b) sadness concerning an evil work not perpetrated or concerning a good work commanded by precept[87] having been performed.

In the sense of the moderns, the following things are to be noted concerning evil joy:

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[86] L. c.

[87] If the good work was not commanded by precept, but was a mere counsel, as for example a private vow, then to be saddened concerning it is not a sin, if the sadness arose from a just cause; otherwise it is only a light sin, as lightly wounding the right order of reason.

400. Moral character. Joy can be concerned:

a) With the evil work itself perpetrated, vividly represented through memory and approved anew. In this case joy is entirely the same sin as that which was committed before. The reason is that the whole malice of sin is in the perverse act of the will. Moreover, this new act of the will is equally perverse as that which before was joined with the external work. Hence, for example, one who remembers adultery committed and rejoices concerning it again commits adultery in spirit and is bound to confess in clear words: I rejoiced concerning adultery committed; nor does it suffice to say: I rejoiced concerning obscene things. A fortiori these things are valid if someone boasts in an evil work perpetrated before others, since then the sin of scandal is added. In this case he is bound to confess: I boasted in such an evil work, for example in adultery, before several men.

b) With the ingenious manner in which an evil work has been done, but not with the work itself. Then those things are valid which were said above concerning morose delectation over the ingenious manner, namely such joy of itself is not a sin, but nevertheless is dangerous. In this sense "the Lord praised the steward of iniquity, because he had acted prudently."[88]

c) With a good effect following from an evil work, for example someone rejoices over an inheritance which he acquired from the violent death of another man; or that famous example: the Church rejoices over the effect of Adam's sin, not over the sin itself, which was our redemption through Christ. Consequently on Holy Saturday it is sung: "O happy fault, which merited to have such and so great a Redeemer." Of itself it is clear that joy of this kind concerning a good effect is licit, whether the sin causing it was formal or material, provided nevertheless that only the good effect and not the sin is approved. For the good effect carries with it nothing disordered, if it is prescinded from the evil cause. Nevertheless such joy can be dangerous, because often it is not easy to separate the good effect from the evil cause. Attention must also be given to the proposition (15) condemned by Innocent XI: "It is licit for a son to rejoice over the parricide of his parent perpetrated by

himself in drunkenness, on account of the immense riches consequently obtained by inheritance."[89] This proposition indeed was deservedly condemned, since in it it is said: "it is licit to rejoice over parricide"; which is the same as saying, it is licit to rejoice over some evil thing. Moreover, the order of charity is gravely wounded, since such a son loves riches more than the life of his father. - Examples of such joy concerning a good effect following from an evil operation are very many. Thus we take delight in the glory of the Martyrs following from the detestable tyranny of the pagans, in the repentance of a youth, although we detest his crimes and quarrels, etc.

[88] Luc. 16, 8.

[89] Denz. n. 1165.

401. Scholion. On joy over the conjugal act, whether past or future. Here it is customarily asked whether it is licit for a widow to rejoice over an act of marriage legitimately had during matrimony, and whether it is licit for betrothed persons to rejoice over the future act of marriage. All authors teach that joy of this kind is to be avoided, since it is hardly possible that carnal movements and grave temptations should not arise from it. But theoretically speaking, a widow can rejoice over licit acts had in marriage, since such joy is nothing other than approval of a past licit act. As to betrothed persons the matter is more difficult, since in that case morose delectation concerning an object represented through phantasy is scarcely absent. Nevertheless, since all teach that it is licit for betrothed persons to desire future copulation, it does not so clearly appear why joy concerning the same future thing should be gravely prohibited to them. St. Alphonsus[90] proposes the stricter doctrine, saying: "Even with the danger of sensitive delectation set aside, it must more truly be said with Holzmann, Roncaglia, Sanchez, Vasquez, Azor, Laymann, Palao, Diana, etc., according to the Salmanticenses, that any delectation whatever of the will in betrothed persons and widows concerning future or past copulation is evil." But Ballerini[91] rightly observes that the cited authors did not condemn delectation of this kind as such, but insofar as it induces sensitive or even venereal delectation. Hence also Cajetan[92] says: "A widow who takes delight concerning past acts of marriage does not sin mortally, because she takes delight concerning works licit to her for the time in which they were licit. For to approve explicitly is more than to take delight, but it is clear that a widow licitly approves past pleasures." But Cajetan adds: "Nevertheless [the widow] sins venially in memory of this kind, because delectation of this kind lacks both necessity and piety, ... if nothing else is joined to it; but if you add that hence appetites arise in the concupiscible power in the widow, or movements in the flesh, it is necessary to recur to the rules concerning joined evils or dangers."[93]

[90] *Theol. mor.* l. 5, n. 24.

[91] *Opus. theol.* I, tract. de pecc. n. 141 sqq.

[92] *Summa*, s. v. "Delectatio morosa."

[93] Cf. also Billuart, *De temperantia* diss. 6, a. 15, § 4.

Article III. On evil desire

402. Notion. Evil desire is complacency in some evil action to be done, or is the choice of doing something morally evil. Desire is divided into efficacious desire, which is a true and firm purpose of doing something evil, and into inefficacious desire, which is only a certain velleity without a firm purpose, and which is also called conditioned desire. For someone would wish the evil work if he could or if it were licit. Concerning the morality of desire, the following things are to be noted:

403. Morality. a) Efficacious, or absolute, desire of an evil action is a sin of the same species and malice as the external act toward which it is borne. Thus all. - The reason is that the whole malice of a human act is founded in the perverse will, and the external act adds no special morality, as is clear from what was said above in n. 133. Hence Christ also said: "Whosoever shall look on a woman to lust after her, hath already committed adultery with her in his heart."[94]

From this it follows that desire takes its species from its object and from its circumstances changing the species. Likewise it follows that the sinner is bound to confess his evil absolute desires in altogether the same way as the external acts to which they refer. Hence if someone, for example, desires to steal a consecrated chalice, it does not suffice to confess: I wished to steal; but he must say: I wished to steal a consecrated thing. But the sin committed by that evil desire is not only mental theft, but also mental sacrilege. - In practice, however, it not rarely happens that desires do not refer to an entirely determinate object, but rather to something generic. For example, someone desires to take vengeance on his enemy, without determining the manner in which he wishes that vengeance; or someone desires to sin carnally with a person of the other sex, without being conscious to himself of a special act to be committed. In these cases it would suffice to confess: I wished to take vengeance on my enemy, or: I wished to sin with a person of the other sex.

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[94] Matth. 5, 28.

404. b) Inefficacious, or conditioned, desire of some evil a) is always idle and thence dangerous; b) is not of itself a sin, if the condition attached removes the malice of the act; c) but is of itself a sin, light or grave according to the quality of the object, if in it there is found disorder, notwithstanding the condition attached. - The individual parts of this proposition are explained:

As to a), all agree. For to what purpose are those velleities? Through them phantasy is disturbed and time is wasted. Besides, consent to an evil thing can easily arise from them. For example, the inefficacious desire of a priest who would say: I would wish to marry a wife, if I were not a priest. Everyone sees how idle and dangerous a desire of this kind is. Other velleities concerning illicit objects are wont to be similar.

As to b), the matter is clear. For if the condition attached strips the desired object of its malice, desire or velleity of this kind is not of itself a sin. For example: I would eat meats, if it were not Friday; I would wish to remain in bed, if I were not bound to work, etc.

As to c), it is evident; for if someone wills a disorder, he sins, although he should attach any conditions whatever. Therefore the following velleities are sins: I would fornicate if there were no hell; I would wish to commit adultery if this were licit; I would wish to kill my enemy if I could. The reason is that all these things are against the natural law, and the condition attached cannot remove the disorder of the act. Nevertheless it must be noted that desires of this kind among the uneducated are often not sins, at least not grave sins, because they do not know their malice and by them wish only to express a natural propensity toward the object, yet without free consent of the will. Nevertheless these wishes are always to be avoided by any man, however much conditions may be attached, because in every case they are useless and dangerous.

405. Scholion. On desire of evil on account of a good end or effect. Moral evil or sin cannot licitly be desired, however good the end or effect may be. This is clear from what was said above. Sometimes, nevertheless, an evil of this kind can be permitted, as when it follows from our action otherwise good or indifferent, as was said in n. 57 sqq. concerning the indirectly evil voluntary. In order that physical evil can be licitly desired, first of all the order of charity must be preserved and excessive self-love must not be indulged. Innocent XI proscribed several propositions concerning this matter, for example prop. 13: "If you do this with

due moderation, you can without mortal sin be saddened concerning the life of someone, and rejoice concerning his natural death, ask and desire it with inefficacious affection, not indeed from displeasure with the person, but on account of some temporal gain"; and prop. 14: "It is licit by an absolute desire to desire the death of one's father, not indeed as an evil of the father, but as a good of the one desiring, because, namely, a rich inheritance is going to come to him."[95] - These propositions seem to have been proscribed for two reasons: 1. because in such joys and desires the proximate danger of sinning will scarcely be absent; 2. because otherwise the order of charity would be gravely wounded. For human life, and a fortiori the life of one's father, is far to be preferred to temporal gain or to a rich inheritance. But if the order of charity is preserved, of itself nothing prevents someone from desiring some physical evil from which a good effect is hoped. Thus it is licit to wish illness to an unruly youth, so that he may come back to his senses from his vices; it is licit for a father to wish the death of a son whom he foresees will be seduced if he lives longer. But whether it is licit for a wife to wish the death of a husband by whom, beyond hope of amendment, she is treated most harshly, or whether in that case the wife can wish her own death, is not so clear. Many[96] affirm, because "death is better than a bitter life"[97] and because in this case the order of charity is preserved. Nevertheless the negative opinion seems better and safer, both because from such a desire a greater spiritual good is almost always impeded, namely the exercise of most precious patience, and because it is truly not clear whether by such a desire the order of charity is not wounded. Is physical death really better than a bitter life? But the cited text can be explained otherwise.

[95] Denz. n. 1163 sq.

[96] Cf. S. Alph., *Theol. mor.* l. 5, n. 22.

[97] Eccli. 30, 17.

Chapter VIII. On capital vices

St. Thomas,[1] treating of the causes of sins, and asking whether one sin can be the cause of another, also treats of capital vices. Following the footsteps of the Angelic Doctor, we indeed touch upon this matter here, but briefly, since we are going to treat of each of these vices when we speak of the virtues to which they are opposed.

[1] *S. theol.* 1, 2, q. 84.

406. Notions. A capital vice is that from which other vices and sins flow forth as from a fountain.

St. Thomas writes to the matter:[2] "Capital is said from head. But the head, properly indeed, is a certain member of an animal, which is the principle and directive of the whole animal. Hence metaphorically every principle and directive is called a head; and also men who direct and govern others are said to be heads of others. Therefore a capital sin is so called insofar as it metaphorically signifies the principle or directive of others; and thus a capital vice is called that from which other vices arise, and chiefly according to the origin of a final cause, which is the formal origin.... And therefore a capital vice is not only the principle of others, but is also directive, and in a certain way leading, of others.... Hence Gregory[3] compares capital vices of this kind to leaders of armies."

The Angelic Doctor rather employs the word capital vice than capital sin, to signify that here the matter concerns evil habits or propensities which have arisen from repeated acts. Hence, for example, one who once or a few times has committed the sin of drunkenness is not yet properly to be called entangled in a capital

vice. The same Angelic Doctor notes that other vices arise from capital vices chiefly according to the origin of a final cause, that is, other sins are committed for the sake of obtaining the end of the capital vice, or, to use the example of St. Gregory:[4] a capital vice, for example a hardened propensity of lust, is as it were a tyrant, for whose satisfaction many subjects, that is, many other disordered acts, are forced to serve.

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[2] L. c. a. 3.

[3] *Moral.* l. 31, c. 17 a med.

[4] *Moral.* l. 31, c. 45 (Migne, *Patr. lat.* 76, 620).

407. Number. After St. Gregory the Great seven capital vices are commonly enumerated: vain glory, avarice, lust, envy, gluttony, anger, sloth. By some pride is added, which nevertheless with St. Thomas[5] is better called the queen and beginning of every sin. For "the end in acquiring all temporal goods is that through them a man may have a certain singular perfection and excellence. And therefore on this side pride, which is the appetite of excellence, is posited as the beginning of every sin." Some, who number pride among the capital vices, establish their number as eight.

The first who seems to have spoken of those eight vices and enumerated them all together is Evagrius Ponticus, died around 400:[6] "There are eight chief kinds of vicious thoughts, under which every thought is contained: the first is of gluttony, the second of lust, the third of avarice, the fourth of sadness, the fifth of anger, the sixth of sloth, the seventh of vain glory, the eighth of pride."[7]

St. Thomas[8] skillfully demonstrates that the sevenfold number of capital vices is fitting. There are four kinds of goods which man is wont to seek inordinately, and there are three goods which man flees inordinately on account of some evil joined to them. Therefore there are seven capital vices. The first good inordinately sought is man's own excellence, praise, and honor. From this arises pride and vain glory. Another good, which is very often inordinately desired, is the good of the body. But this good is twofold: the conservation of the individual, which is sought inordinately through gluttony, that is, the disordered use of food and drink; the conservation of the human species, in the appetite of which the vice of lust produces a great disorder. The fourth good which is irrationally coveted is riches, about which the vice of avarice is concerned. - But the goods which are fled inordinately on account of an evil joined to them are: 1. one's own spiritual good, which is abandoned on account of joined bodily labor. Such flight is sloth. 2. Another's good, which causes sadness, because it impedes our own excellence. That sadness is envy. 3. Another's good, insofar as it incites to disordered vengeance, and which produces anger.

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[5] *S. theol.* 1, 2, q. 84, a. 2 and a. 4 ad 4; 2, 2, q. 163, a. 8. "Pride can be considered in two ways: in one way according to itself, insofar, namely, as it is a certain special sin; in another way, according as it has a certain universal influence upon all sins.... And therefore some, considering pride according as it is a special sin, numbered it with the other capital vices. But Gregory, considering its universal influence, which it has upon all vices, did not number it with the other capital vices, but posited it as queen and mother of all the vices."

[6] Around the same time Ioan. Cassianus, died around 435, discussed capital vices, *De coenob. instit.* l. 5, c. 1 (Migne, *Patr. lat.* 49, 201).

[7] Περὶ τῶν ὀκτὼ λογισμῶν (Migne, *Patr. gr.* 40, 1271 sqq.). This author beautifully notes concerning the vice of sloth, which reigns in the monk: "The demon of sloth, who is also called the noonday demon, is the gravest of all demons." He then graphically describes this demon.

[8] *S. theol.* 1, 2, q. 84, a. 4.

408. The malice of capital vices does not always exceed the malice of other sins, but on the contrary there exist sins much worse than they, for example hatred of God, blasphemy. Indeed it cannot rightly be said that

any act whatever freely produced from a capital vice is a mortal sin. Thus, for example, there is, on account of smallness of matter, a light sin of anger. Nevertheless almost always he is in the state of mortal sin who knowingly and willingly fosters capital vices, that is, those vicious propensities, and does not vigorously fight against them. For he is in proximate voluntary danger of sinning even gravely; and this certainly is not licit and is already a grave sin.

Now each of the capital vices must be treated briefly. At the same time, however, we shall treat of pride and of vain glory, since they are related.

Article I. On pride

409. Notion. Pride is the disordered appetite of one's own excellence. Thus St. Thomas.[9] Pride is the appetite of perverse loftiness. Thus St. Augustine.[10]

It is called 1. a disordered appetite, because, although pride, like any human act, supposes an act of the intellect, namely an erroneous consideration of the defects of others and of one's own merits, nevertheless formally it resides in appetite, whether rational or sensitive irascible.[11] For the proper object of pride is something arduous, namely one's own excellence, which is sought inordinately, that is, against right reason.

This disorder can occur chiefly in four ways: a) if someone thinks that he has from himself what in reality he has from God. St. Paul rebukes such a proud man, saying: "For what hast thou that thou hast not received? And if thou hast received, why dost thou glory, as if thou hadst not received it?"[12] b) If someone indeed admits that all goods come from God, but that he has obtained them from his own merits. Against such a proud man it is said: "By grace you are saved through faith; and that not of yourselves, for it is the gift of God; not of works, that no man may glory."[13] c) If someone boasts that he has what either he altogether does not have or does not have in so great a degree. This manner is most frequent; for proud men are wont to esteem their endowments more highly than they really are; and therefore they are blamed: "Thou sayest that I am rich and made wealthy and need nothing; and thou knowest not that thou art miserable and wretched, and poor and blind and naked."[14] d) If someone contemns others, but wishes himself to appear singularly, as did the Pharisee giving thanks to God that he was not a sinner like other men and especially like the publican.[15] Christ refutes such proud men: "Every one that exalteth himself shall be humbled."[16]

It is called 2. of one's own excellence, because the object of pride is the excellence of one's own, not another's, person. "For just as humility intends the depression of the person, so pride, which is opposed to it, seeks the exaltation of the person; and by this it is distinguished from ambition, presumption, and vain glory. For the object of ambition is excellence in honors and dignities; of presumption, excellence in works; of vain glory, excellence in reputation and glory. These, however, draw their origin from pride and serve it; for because the proud man inordinately seeks his own excellence, therefore it happens that he intends great honors and great dignities, that he undertakes presumptuous works, and that he seeks great reputation and great glory, so that from these he may excel and become great." Thus Billuart[17] after St. Thomas,[18] who skillfully observes that pride, as it is a special vice, is opposed both to the virtues of humility and magnanimity, but in different ways: "to humility indeed, according as it rejects subjection; but to magnanimity, according as it inordinately extends itself to great things."[19] More directly, however, pride is opposed to humility.

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[9] *S. theol.* 2, 2, q. 162, a. 2 (*Hoffart, Uberhebung*).

[10] *De civ. Dei* l. 14, c. 13.

[11] *S. theol.* l. c. a. 3.

[12] 1 Cor. 4, 7.

[13] Eph. 2, 8 sq.

[14] Apoc. 3, 17.

[15] Cf. Luc. 18, 10 sqq.

[16] Luc. 18, 14. Cf. concerning those four manners or species of pride brought forward by St. Gregory, St. Thomas, l. c. a. 4.

[17] *De temperantia* diss. 7, a. 4, § 2.

[18] *S. theol.* l. c. a. 4.

[19] L. c. a. 1 ad 3.

410. Malice. a) Complete pride is a mortal sin from its whole genus; b) incomplete pride is indeed a venial sin from its genus, but c) it is a most dangerous vice.

a) Complete pride is that which so extols itself that it refuses to subject itself to God and his law, as though that subjection were injurious to its own excellence. Such pride is truly diabolical and proper to the angel Lucifer; but it is rarely found among men. That it is a mortal sin from its whole genus is clear of itself; for it is manifest rebellion against God. Indeed such pride is the gravest sin at least on the part of aversion from God, "because in other sins man is turned away from God either on account of ignorance, or on account of weakness, or on account of the desire of any other good whatever; but pride has aversion from God from this very fact, that it does not wish to be subject to God and his rule.... On account of this also it is especially said that God resisteth the proud.[20] And therefore to be turned away from God and his precepts, which is as it were consequent in other sins, belongs of itself to pride, whose act is contempt of God. And because that which is of itself is always more powerful than that which is through another, it follows that pride is the gravest sin according to its genus." Thus St. Thomas,[21] who nevertheless elsewhere[22] teaches that hatred of God is a still graver sin. But the reason is that hatred of God has aversion from God for its very object, while on the contrary the object of pride is one's own excellence inordinately sought, from which aversion from God follows.

b) Incomplete pride is that by which someone, while preserving due subjection to God and to superiors, extols himself too much, makes too much of himself, and wishes to be esteemed by others more than is fitting. Such pride of itself is only a venial sin, because its disorder does not seem to be so great that it induces aversion from God; for it is the disordered appetite of a thing indifferent in itself. Accidentally, however, even incomplete pride is a grave sin, namely if from it a grave injury is inflicted on one's neighbor, or if from it other grave sins arise.

c) Pride is a most dangerous vice, both a) because it lies in wait even for good works, that they may perish; b) because we have within ourselves the source and root of that sin, and nothing lives in us earlier and dies later than pride; c) because, if by chance pride dominates in a man, it is for the most part a sign of reprobation. For a proud man detects this vice in himself with difficulty, and consequently does not even strive vigorously to overcome it.

Nearly all the holy Fathers speak of the malice and danger of pride. Just as St. Benedict enumerates twelve degrees of humility,[23] so twelve degrees of pride are enumerated by St. Bernard, namely curiosity, levity of mind, foolish gladness, boasting, singularity, arrogance, presumption, defense of sins, simulated confession, rebellion, liberty of sinning, custom of sinning. It would be long to explain here more broadly each of those degrees, but I do not know another who describes pride, as it is found in a religious man, so graphically and perfectly as St. Bernard.[24] Let as an example be what the Mellifluous Doctor says concerning the sixth degree,

arrogance: "He praises what he does, and he does not attend to what he intends; ... and he who in every other matter trusts himself more than others, concerning himself alone trusts others more than himself; ... and whatever he has recognized as praised in himself, he arrogantly ascribes not to the ignorance or benevolence of the praiser but to his own merits." Alardus Gazaeus, writing a commentary on the work of John Cassian "on the institutes of monasteries," delineated two ladders having twelve degrees. The first ladder is of humility, through which by the twelve degrees of humility enumerated by St. Benedict one ascends to heaven. The other ladder is of pride, through which by twelve degrees of pride one descends into the abyss of gehenna.[25]

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[20] Jac. 4, 6.

[21] L. c. a. 6.

[22] *S. theol.* 2, 2, q. 34, a. 2.

[23] For their explanation, see St. Thomas, *S. theol.* 2, 2, q. 161, a. 6.

[24] *Tract. de gradibus humilitatis et superbiae* c. 15 (Migne, *Patr. lat.* 182, 965).

[25] See those two figures reproduced in Migne, *Patr. lat.* 49, 1329 sqq.

411. Daughters of pride. Pride in the broader sense, insofar as it is excessive love of oneself, is the mother and queen of all the vices, as has already been said. But if it is taken in the strict sense explained above, then first of all the following vices spring up from it: presumption, ambition, vain glory.

412. Presumption is taken in different senses, both in canon law and in Moral Theology. As a twofold sin it is taken in Moral Theology: "one, which leans upon one's own virtue, attempting, namely, something as possible to oneself which exceeds one's own virtue; ... but the other is presumption which leans inordinately upon divine mercy or power, through which someone hopes to obtain glory without merits or pardon without penance; and such presumption seems to arise directly from pride, as though he should esteem himself so much that even when he is sinning God would not punish him or exclude him from glory."[26]

Presumption taken in the first sense is indeed directly opposed to the virtue of magnanimity, but it is also in some way reduced to vain glory and pride. For the Angelic Doctor says:[27] "No one attempts something above his capacity except insofar as he estimates his capacity to be greater than it is. Concerning this there can be error in two ways: in one way according to quantity alone, for example when someone estimates that he has greater virtue, or knowledge, or something else of this kind, than he has; in another way according to the genus of the thing, for example when someone from this estimates himself great and worthy of great things, from which he is not, for example on account of riches, or on account of some goods of fortune. For as the Philosopher says: 'Those who have such goods without virtue neither justly make themselves worthy of great things nor are they rightly called magnanimous.' - Similarly also that to which someone tends above his powers sometimes indeed is great simply according to the truth of the thing, as is clear concerning Peter, who was tending to this, that he might suffer for Christ, which was above his virtue; but sometimes it is not something great simply, but only according to the opinion of fools, as to be clothed in costly garments,[28] to despise and insult others."[29]

This presumption, which is placed by St. Bernard[30] as the seventh degree of pride, is beautifully described thus: "For he who thinks he surpasses others, how does he not presume more concerning himself than concerning others? He sits first in meetings; in councils he answers first; not called, he approaches; not sent, he thrusts himself in; he reorders things ordered, remakes things made. Whatever he himself has not done or ordered, he judges neither rightly done nor beautifully ordered. He judges those judging, he prejudges those about to judge.... But if some middling obedience [function or office] is enjoined upon him, he is indignant, he

scorns it, judging that he is not to be occupied with lesser things, who feels himself fit for greater." - This presumption of itself does not include so great a disorder, and consequently from its genus is only a venial sin; but accidentally, by reason of grave danger and damage to be caused, it easily becomes a grave sin. Thus, for example, a confessor, physician, etc., presuming to perform his office without sufficient knowledge and skill, easily sins gravely on account of the damages arising therefrom.

Concerning presumption in the second sense, insofar, namely, as it is opposed to the virtue of hope, there will be discussion below in n. 549.

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[26] *S. theol.* 2, 2, q. 21, a. 4.

[27] Ib. q. 130, a. 2 ad 3.

[28] *Gigerlium.*

[29] *Lumpenstolz, Geckenstolz.*

[30] *Tract. de grad. humil. et superb.* c. 16.

413. Ambition is the disordered appetite of honor.[31] Honor, however, is reverence shown to someone in testimony of his excellence. The excellence of man is especially considered according to virtue. Other things which are below virtue are honored insofar as they assist toward works of virtue, such as nobility, power, riches, etc.[32] Honor is also owed to superiors insofar as they are God's vicegerents. But honor is sought inordinately in three ways: 1. if someone seeks honor concerning an excellence which he does not have, as if he wishes to be honored as learned when he is ignorant; 2. if someone desires honor for himself without referring it to God; 3. if someone does not refer received honor to the utility of his neighbor. For that in which a man excels is given to him by God, so that therefrom he may profit others.[33] Ambition indeed arises from pride, but it is directly opposed to the virtue of magnanimity, which according to right reason induces man to seek honor. - Just as presumption, so also ambition of itself is a venial sin; but accidentally, by reason of evil effects, it can become a mortal sin.

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[31] *Eitle Ehrsucht*, vain desire of honor.

[32] *S. theol.* 2, 2, q. 145, a. 1.

[33] Ib. q. 131, a. 1.

414. Vain glory[34] is here taken for the appetite of vain glory. Glory is clear knowledge with praise concerning the good of someone, or frequent report concerning someone with praise.[35] Strictly speaking, glory is distinguished both from reputation and from honor. Reputation is the opinion and speech of many concerning the life and morals of someone, and consequently, if it is good, consists in the good opinion which many have concerning some man. Honor is testimony concerning the excellence of someone, or reverence shown to someone on account of his excellence. Finally, glory is the effect and end of honor. For from this, that someone is often and by many honored, glory is born to him. - The appetite of vain glory is directly opposed to the virtue of magnanimity, inasmuch as this virtue rightly seeks true and not empty glory; but it is produced by pride, which thinks to increase its own excellence from vain glory. Glory is called vain if someone seeks glory from a thing which either does not exist or which merits no glory, or at least not so much glory.[36] - Vain glory according to itself is only a venial sin, because it does not include so great a disorder, nor is it contrary to charity;[37] nevertheless it becomes mortal in two ways: 1. by reason of the matter concerning which someone glories, for example if someone seeks vain glory from fornication committed, from a duel, etc.; 2. by reason of

the circumstances and especially the end of the agent, as if someone for the sake of vain glory is prepared to transgress a precept obliging under grave sin.

Since there is some difference between pride and the appetite of vain glory, certain authors, such as John Cassian, Evagrius Ponticus, and John Damascene, enumerate eight capital vices, as was already said above in n. 407. But the difference between pride and the appetite of vain glory is this: pride is the disordered appetite of one's own excellence; vain glory is the disordered appetite of the manifestation of this excellence.[38] By St. Gregory and with him by St. Thomas,[39] who number not pride but only vain glory among the capital vices, there are assigned the daughters of vain glory, that is, seven vices which of themselves arise from vain glory and moreover serve it.[40]

1. Boasting, which is the disordered manifestation of one's own excellence, principally through words.[41]
2. Presumption of novelties, or singularity, by which someone tries to do something singular, for example in religious exercises, or conducts himself singularly, so that he may be esteemed above the rest.[42]
3. Hypocrisy, which is the disordered manifestation of one's own excellence through simulated virtues.[43]
4. Pertinacity, by which someone trusts too much in his own judgment.[44]
5. Discord, which is disordered dissent with others.[45]
6. Contention, which is clamorous litigation with others.[46]
7. Disobedience, namely when someone often refuses to carry out the command of a superior.[47]

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[34] *Eitle Ruhmsucht*, vain desire of fame. John Cassian treats very well of vain glory, which he calls cenodoxia (κενοδοξία), *De coenob. instit.* l. 11 (Migne, *Patr. lat.* 49, 397 sqq.). Likewise very good are the commentaries which Alardus Gazaeus, O.S.B., writes concerning this work (ib. in Migne l. c.).

[35] Cf. Cicero, *De invent. rhetor.* 2, 55.

[36] Cf. *S. theol.* 2, 2, q. 132, a. 1.

[37] Cf. ib. a. 3.

[38] Cf. ib. q. 162, a. 8 ad 2.

[39] Cf. ib. a. 5.

[40] Cf. *De malo* q. 9, a. 3.

[41] *Prahlerei*, *prahlerische Aufschneiderei*, *hablerie*, cf. *S. theol.* 2, 2, q. 112, a. 1 ad 2.

[42] *Hascherei nach eigentumlichem Benehmen*, chasing after peculiar behavior.

[43] *Scheinheiligkeit*, false sanctity.

[44] *Rechthaberei*, self-opinionatedness, *ergoterie*, cf. *S. theol.* 2, 2, q. 138, a. 2 ad 1.

[45] *Zwietracht*, discord, cf. *S. theol.* 2, 2, q. 37, a. 2.

[46] *Streitsucht*, quarrelsomeness, cf. *S. theol.* 2, 2, q. 38, a. 2.

[47] Cf. *S. theol.* 2, 2, q. 105, a. 1 ad 2.

415. Remedies against pride are: 1. The intimate and sincere knowledge of oneself. For if someone recalls all the sins of his past life, considers his manifold defects, and is inwardly persuaded that all the endowments by which he is strong have been conferred on him by God, it is impossible for him still to be proud concerning anything. - 2. Contemplation of the humility of Christ, who "humbled himself, becoming obedient unto death,

even the death of the cross,"[48] and who invited all: "Learn of me, because I am meek and humble of heart."[49] - 3. The continual exercise of humility. For opposites exclude one another. But humility is opposed to pride. Concerning humility there will be discussion below in the treatise on the virtue of temperance.

[48] Phil. 2, 8.

[49] Matth. 11, 29.

Article II. On avarice

416. Notion. Avarice, philargyria, is the immoderate love of having possessions or riches.[50] Such love is disordered a) if riches are acquired not from an honorable end, but from a disordered love of money, which takes delight in heaped-up wealth; b) if riches are acquired with excessive solicitude, so that a man thinks of and desires almost nothing else except temporal gain to be made (*Habsucht*); c) if riches are retained with excessive parsimony, so that a man deprives himself and his own of things necessary according to the fittingness of his state (*Geiz*). - Avarice is found not only in the rich but also sometimes in the poor. Ordinarily and rightly it is said that avarice is a vice proper to old men, who often are too tenacious of money and are filled with immoderate care for future necessities. Rarely are young men given to avarice, but rather to the opposite vice of prodigality.

[50] Cf. *S. theol.* 2, 2, q. 118, a. 2.

417. Malice. Sometimes it can be discerned with great difficulty whether cupidity for temporal things is illicit or licit. Then such cupidity is certainly sinful when it induces a certain true servitude toward money. Hence sinful avarice is called by St. Paul "the service of idols,"[51] and Christ admonishes: "You cannot serve God and mammon."[52] But as to discerning the degree of sinfulness, a distinction is needed: avarice which is opposed to justice is from its genus a mortal sin; but that which is opposed only to the virtue of liberality is a venial sin from its genus.[53] For avarice can be considered in two ways: in one way, insofar as someone acquires and preserves temporal goods beyond what is due, by stealing or retaining the things of others, for example by an unjust monopoly or syndicate demanding unjust prices for merchandise. Of itself it is clear that such avarice is a mortal sin, since not only the virtue of liberality but also the virtue of justice is thereby injured. Indeed there arises an obligation of restitution on account of justice injured. - In another way avarice is opposed only to the virtue of liberality, insofar as, with the virtue of justice preserved, it induces an exaggerated love of temporal goods. Such avarice, because it is only an excess in love of a thing indifferent and licit according to itself, is not so gravely repugnant to right reason and divine law, and is from its genus a venial sin; nevertheless it can become mortal if "the love of riches grows to such an extent that it is preferred to charity, so that, namely, on account of love of riches someone does not fear to act against the love of God and neighbor,"[54] as for example to commit perjury, not to hear Mass on a feast day, not to assist the poor who are in grave or extreme necessity.

Avarice is a very base sin, because it is altogether repugnant to the dignity of man that he should be a servant of mammon. Consequently an avaricious man is wont to be despised and held in hatred by all. Hence also it is said: "Nothing is more wicked than to love money; for such a one also has his soul for sale, because in his life he has cast away his inmost things,"[55] and: "They that will become rich fall into temptation and into the snare of the devil, and into many unprofitable and hurtful desires, which drown men into destruction and perdition; for cupidity is the root of all evils."[56]

[51] Eph. 5, 5.

[52] Matth. 6, 24.

[53] Cf. *S. theol.* l. c. a. 4.

[54] Ib.

[55] Eccli. 10, 10.

[56] 1 Tim. 6, 9 sq.

418. Daughters of avarice. By St. Gregory[57] the following seven vices are assigned as flowing from avarice and serving it: hardness of heart, restlessness, violence, fallacy, perjury, fraud, betrayal.

1. Hardness of heart[58] toward the poor and neighbors, whom the avaricious man treats without mercy, by not assisting them, by compelling them to pay debts even if they are unequal to it.
2. Restlessness, that is, superfluous and tormenting care for goods to be acquired and for acquired goods to be preserved.
3. Violence, that is, a brutal manner for acquiring goods.
4. and 5. Fallacy and fraud, that is, deceit done either by word or by deed for deceiving one's neighbor and for acquiring money. Many so-called modern "stock-exchange speculations" are stained by fallacies and frauds.
5. Perjury. Since the avaricious man is a servant of mammon, he is deterred by no crime, not even by perjury, in order to seize gain.
6. Betrayal, of which Judas Iscariot, given to avarice, offers the sad example.

[57] *Moral.* l. 31, c. 45 (Migne, *Patr. lat.* 76, 162).

[58] *Hartherzigkeit*, hardheartedness.

419. Remedies against avarice are: 1. Meditation on the vanity of all earthly goods. Hence Christ admonishes: "Lay not up to yourselves treasures on earth, where rust and moth destroy, and where thieves break through and steal. But lay up to yourselves treasures in heaven, where neither rust nor moth destroys, and where thieves do not break through nor steal.... Seek ye therefore first the kingdom of God and his justice, and all these things shall be added unto you."[59] Besides, all earthly goods are so unstable and transitory; death comes and separates man from all riches.[60] 2. Meditation on the example of Christ, who, though he was rich, became needy for us, that by his poverty we might be rich.[61] In his whole earthly life, from the manger even to the cross, Christ always exercised poverty. 3. Works of liberality and charity, for example the giving of alms, donations. - Besides, the vice of avarice is cured with greatest difficulty, both because it creeps in secretly under the pretext of prudent care concerning the future, so that few avaricious men recognize their avarice, and because it flatters under the name of virtue and induces an almost ineluctable servitude.

[59] Matth. 6, 19 sqq., 33.

[60] Cf. Luc. 12, 20 sq.

[61] Cf. 2 Cor. 8, 9.

Article III. On lust

420. Notion. Lust is the disordered appetite of venereal delectation. It will be treated more broadly below, when there will be discussion of the virtue of chastity. Lust is a capital vice, because from it many other sins spring up. For delectation in venereal things is the greatest, and on that account is eagerly sought by many and has many servants. By St. Gregory[62] and after him by St. Thomas[63] eight daughters of lust are enumerated.

The daughters of lust are:

1. Blindness of mind. The most wise Solomon offers a terrible example of this blindness; when he was old, joined to women by most burning love, he was so depraved by them that he followed strange gods, falling into foolish idolatry.
2. Precipitation in things to be done, namely without sufficient counsel.
3. Inconsideration, that is, defect in practical judgment. Hence we see lustful persons do most foolish things, that is, with the greatest harm to reputation, honor, health, and temporal goods they serve their passion.
4. Inconstancy. For the will of a lustful man becomes very weak and is not able to resist diverse internal and external temptations.
5. and 6. Love of self and hatred of God. For the lustful man seeks his own delectation above all things and consequently hates God, who so severely prohibits and punishes this vice.
6. and 8. Affection for the present age and horror of the future one. These effects necessarily follow from love of self and hatred of God. But although the lustful man shudders at the future age, nevertheless on account of his blindness of mind, precipitation, and inconsideration he not rarely commits suicide, as is evident especially in our times.

Remedies against lust are: 1. humble and frequent prayer; 2. frequentation of the sacraments; 3. flight from idleness; 4. temperance; 5. flight from occasions.

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[62] *Moral.* l. 31, c. 45 (al. 17).

[63] Concerning the daughters of lust cf. S. Thom., *S. theol.* 2, 2, q. 153, a. 5.

Article IV. On envy

421. Notion. Envy, which sometimes is also called livor, zeal, jealousy, is sadness concerning another's good, which is judged to be one's own evil, because it diminishes our excellence or glory.[64]

Sadness concerning another's good can arise in several ways: 1. If someone grieves concerning the good of another, whom he judges unworthy of a good of this kind, it is not envy, but indignation or nemesis. 2. If someone is saddened concerning another's good insofar as from this there threatens him danger of some harm, as when a man is saddened concerning the exaltation of his enemy, fearing lest he be attacked by him, it is not envy, but rather an effect of fear.[65] 3. To grieve concerning the good of one's neighbor, not because he has this, but because we lack this and wish to obtain this by honorable means, is not envy, but emulation.[66] 4. To be saddened concerning the good of one's neighbor, insofar as his good is without relation to us, is not envy, but hatred of neighbor. 5. To be saddened concerning the good of another, insofar as it diminishes our excellence, is properly envy. - From these things said it appears:

a) that the envious man considers the good of his neighbor only insofar as it diminishes his own excellence and glory;

b) that envy arises from pride, which is the disordered appetite of one's own excellence. Concerning this matter the Angelic Doctor notes very well with St. Gregory:[67] "The first offspring of pride is vain glory, which, when it has corrupted the oppressed mind, soon begets envy: because while it seeks the power of an empty name, it pines away lest someone else be able to obtain this. Therefore it is not against the notion of a capital vice that it itself arises from another.... Yet perhaps on account of this, that envy is manifestly born from vain glory, it is not posited as a capital vice either by Isidore..., or by Cassian..."

c) that envy for the most part is not found except among equals. For the envious man strives to be preferred in glory to another or at least to equal him. But no one except a madman strives to equal or to be preferred in glory to those who are much greater than himself. And therefore man is not wont to envy those who are distant much either in place or in time or in state.[68] Wherefore Aristotle[69] beautifully says: "No one envies those who lived or will live ten thousand years from now; nor those who dwell at the pillars of Hercules."

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[64] Cf. ib. q. 36, a. 1.

[65] Cf. Aristot., *Rhet.* l. 2, c. 9, n. 3.

[66] Cf. ib. c. 11.

[67] *S. theol.* 2, 2, q. 36, a. 4 ad 1.

[68] Cf. ib. a. 1 ad 2.

[69] L. c. c. 10.

422. Malice. Envy from its genus is a mortal sin. The reason is that envy is directly opposed to charity, which of itself obliges under grave sin. For charity requires that we rejoice concerning the good of another. Envy, on the contrary, is saddened concerning the same good.[70]

But in order that envy should truly be a mortal sin, it is required a) that there be grave matter. Hence the good of the neighbor concerning which the envious man is saddened must be of grave moment, and the greater this good is, the graver is the sin of envy. Wherefore "a certain envy is counted among the gravest sins, namely envy of fraternal grace, according as someone grieves concerning the very increase of God's grace, not only concerning the good of the neighbor. Hence it is posited as a sin against the Holy Spirit, because through this envy man in a certain way envies the Holy Spirit, who is glorified in his works."[71]

b) That the act be perfectly deliberate. It is clear of itself from what was said above in n. 364 concerning the requisites necessary for mortal sin that a perfectly deliberate act is necessary for this, that envy should truly be a mortal sin. - In practice envy by itself alone is rarely a mortal sin, because those two required conditions are rarely present. But I say by itself alone; for envy more often becomes a grave sin on account of the effects which are called its daughters.

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[70] Cf. *S. theol.* 2, 2, q. 36, a. 3.

[71] *S. theol.* 2, 2, q. 36, a. 4 ad 2.

423. Daughters of envy. By St. Gregory[72] and after him by St. Thomas[73] five daughters of envy are enumerated, namely hatred, whispering, detraction, affliction at the prosperous things of one's neighbor, exultation at his adversities.

1. Hatred. The worst daughter, and as it were the first-born of envy, is hatred, which can become truly diabolical and infernal. From envy the devil tempted the first parents and brought death into all the sons of Adam;[74] from envy Cain killed his brother Abel;[75] from envy the sons of Jacob sold their brother Joseph;[76] from envy the Pharisees accused Christ.[77] Hence it is skillfully said: "Love is strong as death, jealousy hard as hell,"[78] and St. Cyprian[79] says concerning this vice: "It is the root of all evils, the fountain of calamities, the seedbed of offenses, the matter of faults. From it hatred arises, from it animosity proceeds."
2. Whispering, which here is taken as the hidden denigration of another's reputation, also arises from envy. For the envious man strives by all means, and especially by sinister speech, to diminish the glory of his neighbor.
3. Detraction, which here is taken as the manifest denigration of another's reputation, likewise arises from envy for the same reason.
4. and 5. "Affliction at the prosperous things of one's neighbor in one way is envy itself, insofar, namely, as someone is saddened concerning the prosperous things of someone, according as they have a certain glory; but in another way it is a daughter of envy, according as the prosperous things of the neighbor happen against the effort of the envious man, who strives to impede them. - But exultation at adversities is not directly the same as envy, but follows from it; for from sadness concerning the good of the neighbor, which is envy, there follows exultation concerning the evil of the same."[80]

[72] *Moral.* l. 31, c. 45 (al. 17).

[73] *S. theol.* l. c. a. 4 ad 3.

[74] Cf. Sap. 2, 24.

[75] Cf. Gen. 4, 8.

[76] Cf. Gen. 37, 8.

[77] Cf. Matth. 27, 18.

[78] Cant. 8, 6.

[79] *De zelo et livore* (Migne, *Patr. lat.* 4, 642).

[80] *S. theol.* l. c. a. 4 ad 3.

424. Remedies against envy are: 1. The exercise of humility. As was said above, envy arises from pride as from a root. Therefore if the root of pride is torn out by humility, the branch of envy must wither. 2. The exercise of fraternal charity. For envy is directly opposed to charity, as was said above. But opposites expel one another. Wherefore just as envy expels charity, so charity vigorously exercised expels envy. 3. Consideration of the evils which are wont to arise from envy. We have already enumerated above certain evil effects of envy. Besides those, worthy of mention is the great harm which the envious man causes to himself in the goods of body and soul. For envy is wont to harm bodily health; hence concerning envious Cain it is said: "His countenance fell."[81] Envy is called "wasting away,"[82] "rottenness of the bones."[83] Envy causes reproach and contumely.[84] Wherefore it has rightly been said:[85]

Nothing is more just than envy, because immediately it gnaws the author himself, and tortures his own heart.

[81] Gen. 4, 5.

[82] *Nagender Neid*; Sap. 6, 25.

[83] Prov. 14, 30.

[84] Cf. Eccli. 6, 1.

[85] Cf. *Tract. de interiore domo seu de conscientia aedificanda*, c. 23, among the spurious works of St. Bernard (Migne, *Patr. lat.* 184, 542).

Article V. On gluttony

425. Below, in the treatise on the virtue of temperance, there will be a fuller discussion of this vice, and especially of that species of it which is called drunkenness. Here the following things are briefly noted.

Notion. Gluttony, voracity, greediness, daintiness, gastrimargy, is the disordered appetite of eating and drinking. This disorder can occur in five ways, "too soon, sumptuously, too much, ardently, studiously," namely with respect to:

a) the substance of food, that is, by seeking excessively sumptuous foods;

b) quantity, that is, by devouring too much food with detriment to health;

c) quality, that is, by seeking foods prepared or seasoned too delicately and expensively; this is the same as to exceed studiously in eating and drinking;

d) the manner of taking, that is, to eat or drink too voraciously and greedily or ardently;

e) time, that is, when someone anticipates the time of eating or eats and drinks longer or more often than is fitting, which is the same as too soon.

426. Malice. Gluttony from its genus is a venial sin.[85a] The reason is that the disorder found in it is not so great that it destroys charity. Accidentally, however, gluttony becomes a grave sin, namely a) by reason of grave bodily harm, if namely someone on account of greediness gravely injures bodily health; b) by reason of grave harm to the soul, if namely on account of gluttony a man neglects grave duties of his state.[86] Concerning those gluttons it is said: "Whose God is their belly" (Phil. 3, 19).

Voluntarily to indulge gluttony even unto vomiting is held by some to be a venial sin,[87] but Wigandt[88] deservedly says: "Such gluttons, who pour in so that they may pour out; drink so that they may vomit; vomit so that again they may drink immoderately, lest they seem conquered, but conquerors, scarcely seem able to be excused from mortal sin, both of scandal, and against love of oneself, and because through that vomiting, as being most violent, they gravely injure the stomach and health."

[85a] Cf. *S. theol.* 2, 2, q. 148, a. 2.

[86] Cf. S. Thomas, *De malo* q. 14, a. 2.

[87] Cf. S. Alph., *Theol. mor.* l. 5, n. 73.

[88] *Trib. confess.* tr. 5, exam. 3, n. 70.

427. Daughters of gluttony. Five daughters of gluttony are enumerated:

1. Dullness of mind, according to the old saying: "A full belly does not study willingly." Almost the whole force of a gluttonous man is consumed in the digestion of food taken and in the delectation during the taking itself, so that such a man gradually becomes unfit for fixing the sharpness of the mind on a spiritual work.

2. Foolish gladness. Amid cups and banquets joys are often sought which are not only foolish but also indecent.

3. and 4. Much-speaking and buffoonery, that is, disorder both in words and in exterior acts; this chiefly happens in that species of gluttony which is drunkenness.

4. Uncleanness, "which can be considered either according to the disordered emission of any superfluities whatever, vomit and other excretions, or specially as to the emission of semen."[89]

[89] *S. theol.* 2, 2, q. 148, a. 6.

428. Remedies against gluttony are: 1. Consideration of the evil consequences which are wont to follow from gluttony: illnesses of the body, acceleration of death, dullness of mind, contempt inflicted by good men, etc.

2. Flight from occasion, especially if it concerns an intoxicating drink. 3. Exercise of temperance, insofar as any superfluous delectations whatever in food and drink are strongly rejected.

Article VI. On anger

429. Notion. Anger can be defined: the disordered appetite of vengeance. Anger taken in this sense is opposed to the virtue of meekness. Anger is wont to contain a twofold disorder: 1. An immoderate movement of the sensitive appetite, or an immoderate passion of anger. For angry persons are wont also to undergo in the body great and harmful excitations. Seneca[90] graphically describes this anger: "The eyes blaze and flash, there is much redness over the whole face from blood boiling up from the lowest parts of the heart; the lips are shaken, the teeth are pressed together, the hair bristles and stands up; the breath is forced and hissing, the sound of joints twisting themselves, groans and bellowings.... You do not know whether the vice is more detestable or deformed." Hence not undeservedly, as a most apt remedy of the disordered passion of anger, it is counseled that an angry man look in a mirror at the deformity of his face. 2. A disordered appetite of vengeance, insofar as someone takes unjust and immoderate vengeance on him by whom he has been injured or thinks he has been injured.

Not every anger is illicit, but only immoderate anger. For Christ himself is said to have been angry against those buying and selling in the temple.[91] In the Psalm it is said: "Be angry and sin not."[92] And indeed anger can be licit, whether it is considered as a rightly ordered passion or as the appetite of just vengeance.[93] Licit anger is called anger through zeal; but illicit anger is called anger through vice or also irascibility.[94]

[90] *De ira* l. 1, n. 1.

[91] Cf. Io. 2, 14 sqq.

[92] Ps. 4, 5.

[93] *S. theol.* 2, 2, q. 158, a. 1.

[94] Cf. ib. a. 2.

430. Malice of disordered anger. Anger considered in itself must be especially distinguished from anger with its effects accidentally joined. We speak first of anger according to itself and then of anger with its effects.

Principle 1. Anger according to itself considered, insofar as it is a disordered passion, is a venial sin; but it is a mortal sin from its genus insofar as it is a disordered appetite of vengeance.[95]

The reason for the first part is that in such a disordered passion there is not so great an injury of right order that it constitutes aversion from God and consequently mortal sin. But it is clear of itself that even the disordered passion itself of anger can become a mortal sin by reason of scandal and other evil effects, as will be said in the following principle.

The reason for the other part is that the disordered appetite of vengeance is opposed to charity and sometimes to justice; each of these virtues indeed obliges from its genus under grave sin. Hence Christ himself says: "But I say to you, that whosoever is angry with his brother shall be in danger of the judgment."[96] - By reason of smallness of the object or imperfection of the act, such a disordered appetite of vengeance is not rarely a venial sin.

Principle 2. Anger considered in its effects is a grave or light sin according as those effects could and should have been foreseen and are gravely or lightly repugnant to right reason.

This is clear of itself. For all the effects of his act which he could and should have foreseen are imputed to the sinner. Hence he who from disordered anger inflicts grave harm on his neighbor sins mortally; or a priest who from his disordered anger causes grave scandal commits a grave sin.

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[95] Cf. *S. theol.* l. c. a. 3.

[96] Matth. 5, 22.

431. Daughters of anger. By St. Gregory and St. Thomas[97] the following six daughters of anger are enumerated: indignation, swelling of mind, clamor, blasphemy, contumely, quarrel.

1. Indignation[98] is irritation against him who is undeservedly judged to have furnished us occasion for anger.
2. Swelling of mind[99] is the mind filled with thoughts of finding suitable means of harsh vengeance.
3. Clamor is disordered and confused speech, which is wont to be done in a loud voice by an angry man.
4. Blasphemy[100] is injurious speech against God.
5. Contumely[101] is injurious words uttered against one's neighbor in order to injure his honor.
6. Quarrel[102] is a private war, by which a man inflamed with anger tries to injure another either by words or by deeds.[103]

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[97] L. c. a. 7.

[98] *Entrustung.*

[99] *Rachsucht.*

[100] *Gotteslasterung.*

[101] *Schmahung.*

[102] *Streit.*

[103] Cf. *S. theol.* 2, 2, q. 41, a. 2.

432. Remedies of anger are: 1. To forestall the causes. Anger can be born from diverse causes: a) from a temperament too sanguine. A man indeed cannot change his temperament, but he can restrain it, lest it break forth into disordered movements. Wherefore let a man be slow to speak, if he feels himself incited to anger.

Seneca[103a] rightly says: "The greatest remedy of anger is delay." b) From excitation or weakness of the nerves. For from experience it is clear that a man whose nerves are over-excited feels too vividly all impressions coming from outside, and then easily breaks forth into movements of impatience or even of anger. Hence such excitation of the nerves is to be avoided or cured according to one's powers. c) From diverse extrinsic causes. Thus, for example, parents are not rarely excited to anger by unruly children.

2. To consider the example of Christ and our own imperfections. Christ said to us: "Learn of me, because I am meek and humble of heart,"[104] and he admonished us: "Love your enemies, do good to those who hate you, and pray for those who persecute and calumniate you."[105] But if someone considers his own excesses toward others, he more easily restrains anger. "For he patiently tolerates an injury inflicted who piously remembers that perhaps he still has something in which he himself ought to be tolerated. And as fire is extinguished by water, when, as the fury of the soul rises, his own fault is recalled by each one to mind; because he is ashamed not to spare sins, who remembers that he has often sinned in ways to be spared by either God or neighbor."[106]
3. Vigorously and immediately to resist the movements of anger. As soon as someone notices that movements of anger have arisen, let him at once try to resist, because a spark is extinguished more easily than a great fire: "Let not the sun go down upon your anger.... Let all bitterness and anger and indignation and clamor and blasphemy be taken away from you with all malice."[107]

[103a] *De ira* II, 29, 1.

[104] Matth. 11, 29.

[105] Matth. 5, 44.

[106] S. Gregor., *Moral.* l. 5, c. 45 (Migne, *Patr. lat.* 75, 725).

[107] Eph. 4, 26, 31.

Article VII. On acedia

433. Notion. Acedia[108] is sadness concerning spiritual good, insofar as it is a divine good. Thus St. Thomas,[109] who, in explanation of this definition, says: "If spiritual good is taken commonly, acedia will not have the character of a special vice, because every vice flees the spiritual good of the opposite virtue. Similarly also it cannot be said that acedia is a special vice insofar as it flees spiritual good as laborious or troublesome to the body, or as impeding its delectation, because this also would not separate acedia from the carnal vices, by which someone seeks the rest and delectation of the body."[110] Sadness taken in those two senses is laziness, which is weariness of labor; it is called acedia in the broad sense. But acedia, insofar as it is a special vice, is sadness and weariness concerning spiritual good, that is, concerning the means of salvation conferred on us by God, and consequently it is opposed to the highest virtue, namely charity toward God. For just as charity toward God rejoices in friendship and union with God, and in all the means conducive to friendship and union with God, so acedia is saddened concerning all these things and scorns them, chiefly because a man affected by excessive self-love does not wish to tend toward God with labor. By such a sin of acedia there offend, for example, a Christian who is affected with weariness and sadness from professing the faith; a priest who is saddened concerning the priestly vocation accepted; a religious who from weariness deserts the religious life, etc.

A figure not unlike a man infected with acedia is the Israelite people, which, truly heaped with divine gifts, nourished with the wondrous food of manna on the journey to the promised land, began to be weary of the

journey and labor and so spoke against God and Moses: "Why hast thou brought us out of Egypt, that we should die in the wilderness? ... Our soul now loatheth this very light food. Wherefore the Lord sent fiery serpents among the people; after their wounds and the deaths of very many, they came to Moses and said: We have sinned, because we have spoken against the Lord and thee."[111] A Christian man, heaped by God with benefits of every kind and led to the promised land of eternal salvation, if he is infected with acedia, exclaims: My soul loathes thy means leading me to salvation with labor. Then the fiery serpents of punishments and sins rush in and not rarely kill such a man.

[108] Ἀκηδία. *Uberdruss an gottlich-geistigen Dingen, degout des choses spirituelles.*

[109] *S. theol.* 2, 2, q. 35, a. 3. Cf. Cajetan, who rightly interprets this definition, *Com. in S. theol.* 2, 2, q. 35, a. 4.

[110] Ib. a. 2.

[111] Num. 21, 4 sqq.

434. Malice. 1. Acedia taken in the strict sense is a mortal sin.[111a] The reason is that its sadness is directly repugnant to charity, to which it belongs to rejoice not only in God himself, but also in the divine goods conferred on us insofar as they lead us to union with God.

2. Acedia also in a somewhat broader sense, insofar as it is negligence of one's own salvation and of the means necessary for obtaining it, and insofar as it is caused by weariness of working, is a mortal sin from its genus. The reason is that it is opposed to the precept of loving God with the whole heart, with the whole soul, with all one's powers, and not rarely becomes gravely evil on account of its worst effects. The soul of a lazy man is deservedly compared to a field in which the nettles and thorns of vices grow fruitfully.[112] Hence Sacred Scripture says: "Idleness hath taught much evil."[113] And it is truly clear by daily experience that temptations of every kind arise in a lazy mind, to which such a man is wont to succumb on account of the weakness of his will. This acedia leads to tepidity, and tepidity leads to ruin, since God is said to vomit the tepid out of his mouth.[114]

[111a] *S. theol.* 2, 2, q. 35, a. 4.

[112] Cf. Prov. 24, 31.

[113] Eccli. 33, 29.

[114] Cf. Apoc. 3, 16. Concerning acedia, insofar as it is sometimes found in priests, Iac. Schmitt wrote well (*Linzer Theol. Quartalschrift* 1883, 769 sqq. and 1884, 21 sqq.), treating broadly of its diagnosis, prognosis, and remedies.

435. Daughters of acedia. By St. Gregory and St. Thomas[115] the following six daughters of acedia are enumerated: despair of salvation, pusillanimity, torpor concerning precepts, rancor, malice, wandering about illicit things.

1. Despair of salvation necessarily follows from acedia, for "the kingdom of heaven suffereth violence, and the violent bear it away."[116] Therefore a man infected with acedia cannot seriously hope for his salvation.

2. Pusillanimity, as it is taken here, is flight from using means not indeed strictly commanded, but rather counseled. In the Gospel we read that the pusillanimous servant was punished, who buried the money received from his lord in the earth.[117] Pusillanimity is directly opposed to magnanimity.[118]

3. Torpor concerning precepts is the negligent fulfillment of precepts.

4. Rancor toward those who admonish to spiritual fervor; a man infected with acedia detests them as troublesome admonishers.
5. Malice is hatred of spiritual goods, which the tepid man detests and ridicules.
6. Wandering about illicit things. Since every man naturally desires delectation and happiness, and since the man laboring under acedia does not find this delectation in spiritual things, he seeks it elsewhere and indeed wanders about illicit delectations.

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[115] *S. theol.* 2, 2, q. 35, a. 4 ad 2; *De malo* q. 11, a. 4.

[116] Matth. 11, 12.

[117] Cf. Matth. 25, 18 sqq.

[118] Cf. *S. theol.* 2, 2, q. 133, a. 1 and 2.

436. Remedies of acedia are: frequent and serious consideration of the very great evils which follow from acedia and laziness. The householder in the Gospel says, rebuking: "Why stand you here all the day idle?"[119] Christ commanded the fruitless fig tree to be cut down: "Cut it down therefore; why doth it also occupy the ground?"[120] Acedia and laziness render a man truly miserable: weariness of life, vices of the flesh, discords assail him; the lazy man is honored by no one, despised by many. - On the contrary, strenuous labor and a fervent spiritual life render man happy both on this earth and in the other life.

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[119] Matth. 20, 6.

[120] Luc. 13, 7.

Tract VI. On Virtues In General

Cf. St. Thomas, *Sum. theol.* 1, 2, q. 49-70; *Quaest. disp. de virtut. in communi*; John of St. Thomas, *Curs. theol.* disput. XIII; E. Muller, *Theol. mor.* lib. I, tract. 4, cap. 2, sect. 2; Lud. Barre, *Tract. de virtut.* (Paris 1886); Tanquerey, *Synopsis Theol. mor. de virtut. in communi*; Fr. X. Mutz, *Christl. Aszetik*; Gopfert, *Moraltheol.* I, § 42 sq.

437. Preliminary note. After we have treated human acts and the rules determining their morality, namely law and conscience, we must now treat the principles of human acts. Such principles are of two kinds:

1. Intrinsic principles, namely the human powers furnished with habits.
2. Extrinsic principles, namely all extrinsic causes which move man to acting, that is, the devil, the world, God. Although the world and the devil are able vehemently to allure man to voluntary acts, nevertheless they cannot infallibly induce him. For even under a most vehement temptation man remains free and is able to refuse consent. Indeed, if a man's reason is disturbed, or if under the influence of exterior violence an act of man is extorted, the extrinsic cause obtains its effect, but such an act is now not human. Hence the Angelic Doctor most truly says: "That his [namely man's] voluntary motion should be from some extrinsic principle which is not the cause of the will, is impossible."[1] But since God alone is the cause of the will, he alone is able sufficiently and infallibly to move man to any acts whatsoever of the will, with human liberty unharmed. God does not move man to evil acts, or to sin, because he himself has hatred for sin; but he moves him to good acts by bestowing manifold graces. Therefore divine grace is the principal extrinsic cause of good acts. - According to the usage of schools today, grace is commonly treated rather in Dogmatic theology than in Moral theology, perhaps both because the tract on grace is intimately connected with the tract on predestination, which certainly pertains to Dogmatic theology, and because the Church has defined several dogmas about grace against heretics, for example against the Pelagians, Lutherans, Calvinists, Jansenists, etc. These dogmas are commonly explained more broadly in dogmatic theology. Following this usage of the schools, we leave the complete tract on grace to dogmatic theology, and above at n. 136 we touched on only a few points concerning this matter.

The intrinsic principles of human acts are the powers of the soul insofar as they have been perfected, or at least inclined, by habits. These powers are the intellect, the will, the sensitive appetite, etc.; all of these are treated in psychology, and St. Thomas treated them in the *Summa theol.* 1, q. 79 sqq. Therefore, with the doctrine concerning the powers presupposed, it remains that we treat habits, which perfect the powers. But habits are either good, namely virtues, or evil, namely vices. Since according to the common adage, "Contraries have the same account," vices, as being contrary to virtues, are easily judged from the virtues themselves once known; at the same time, under the guidance of the Angelic Doctor, we shall treat virtues and the vices opposed to them. First, therefore, virtues in general must be treated; then the individual virtues and the opposed vices.

The tract on virtues in general is divided into three chapters: 1. on the nature of virtue; 2. on acquired moral virtues and their properties; 3. on infused virtues and their properties. Yet in a preliminary chapter habits in

general are treated very briefly, because the nature of virtue cannot be perfectly known unless one first knows what a habit is.

[1] *S. theol.* 1, 2, q. 9, a. 6.

Preliminary Chapter. On Habits In General

438. Notion. Habit (ἕξις)[2] in a general sense signifies a mode of being disposed; but in a more particular sense habit is called a quality according to which some thing is well or badly disposed either according to itself or toward another; or, more briefly, it is a stable quality by which some being is perfected.[3] Qualities of this sort affect either the nature itself with respect to being, or the powers with respect to acting. If they directly affect the nature, they are called entitative habits, for example health of body, sanctifying grace; but if they are directly subjected in some power, they are named operative habits, for example science, moral virtue. Habit, insofar as it includes both entitative and operative habits, is defined by Aristotle[4] as "a disposition according to which what is disposed is well or badly disposed, either according to itself or toward another." Or more briefly, as has already been said: Habit is a quality by which a subject is well or badly disposed toward itself or toward another. But an operative habit[5] can be defined: A quality difficult to move, by which man is disposed to acting easily, promptly, and with delight; or according to St. Thomas:[6] "Habits are certain qualities or forms inhering in a power, by which the power is inclined to determinate acts according to species." Therefore habit is a certain accident, namely a quality, and according to St. Thomas it differs from a simple disposition in this, that the latter is something imperfect, begun, and not yet stable, while on the contrary habit is a perfect and stable quality.[7] Thus, for example, a young artisan who has been formed imperfectly has the disposition of art; but an artisan furnished with long experience and complete formation possesses the habit of art.

The definition given holds for natural habits, which cause an expeditious facility of acting. But supernatural habits, such as the infused virtues of faith, etc., do not give such facility and promptitude of eliciting supernatural acts, but rather power and a certain inclination. Hence a man existing in the state of sanctifying grace indeed has the infused supernatural habit of all the virtues, but in the exercise of such virtues he can feel many difficulties. But facility in exercising the supernatural virtues is acquired through strenuous and repeated acts, insofar as obstacles are thereby removed and the powers are rendered more prompt for performing those acts.

[2] Philosophers take habit either a) as the last predicament, or b) as a postpredicament, or c) as a species of quality. We speak of habit only in this last sense.

[3] Cf. *S. theol.* 1, 2, q. 49, a. 1.

[4] L. 4: *Metaphys.* c. 20 (ed. Didot 2, 520). In German: predisposition.

[5] Skills, aptitudes.

[6] *S. theol.* 1, 2, q. 54, a. 1.

[7] Cf. *S. theol.* q. 49, a. 2 ad 3.

439. Distinctions of habit are numerous.[8] Let these be noted briefly:

1. By reason of the subject, habits are distinguished into entitative and operative habits.[9] The former immediately perfect the nature with respect to accidental being, and only mediately perfect the powers, for example beauty of body, sanctifying grace, etc. But operative habits immediately perfect the powers

for acting promptly, easily, and with delight, for example musical art, moral virtues, etc. Among entitative habits sanctifying grace holds the first place; it is received in the essence of our soul,[10] which it renders a sharer of the divine nature.[11] Of itself and immediately sanctifying grace does not dispose one to acting, since it is an entitative habit, but it does so by means of the virtues which are infused together with it. The Angelic Doctor aptly notes:[12] "According to the account of habit, it belongs to every habit in some way to have an order to act." The reason is that every habit has an order to the nature of the thing. But every nature of a thing is ordered in some way to operation.

2. By reason of morality, habits are distinguished into good and evil habits, according as they are stable dispositions either toward good or toward evil. In the moral order good habits are virtues; but evil habits are vices.

3. By reason of origin, habits are distinguished into natural, acquired, and infused habits, according as they are caused either from human nature itself, as it were, or by repeated exercise, or by supernatural divine infusion. Sometimes, however, natural habits are taken in another sense, namely insofar as they are divided against supernatural or infused habits and insofar as they include habits arising both from nature and from exercise. Natural habits taken in the first sense are certain natural propensities either implanted in all men having the use of reason or specially granted to some particular man. Thus all men have a natural habit of first speculative and practical principles, namely they immediately understand general principles, for example that the whole is greater than its part; that good is to be done and evil is to be omitted.[13] The former is called by the Scholastics the understanding of first principles, namely speculative principles; the latter is called synteresis. Likewise in certain men there are found certain natural propensities which are deservedly called inchoate habits, for example toward anger, toward alcoholism, toward patience, toward chastity, etc.[14] For the most part such particular inchoate habits arise from bodily temperament or from the heredity of parents.

Acquired habits are caused by multiplied acts elicited by some power of man. Thus, for example, the habit of science is caused in the power of the intellect from multiplied acts of study; the habit of the virtue of temperance is produced from acts of fasting; the habit of drunkenness creeps in from much drinking of wine, etc.

Infused or supernatural habits are liberally granted by God to man, although human nature has no strict right to them. These infused habits are supernatural either a) as to substance or b) as to the mode alone. A habit is supernatural as to substance if proper human powers are in no way able to elicit the acts corresponding to such habits, for example acts of faith and contrition. But supernatural as to mode is an infused habit which could also be acquired by natural virtue, but is now granted miraculously. Thus knowledge of the Scriptures and of languages was miraculously granted to the apostles, though it could also have been acquired by natural study.[15]

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[8] See L. Schutz, *Thomas-Lexicon*, s. v. habitus.

[9] In German: dispositions of being and of activity.

[10] *S. theol.* 1, 2, q. 110, a. 2.

[11] Cf. 2 Pet. 1, 4.

[12] *S. theol.* 1, 2, q. 49, a. 3.

[13] Cf. ib. 1, q. 79, a. 12; 1, 2, q. 51, a. 1.

[14] Cf. ib. 1, 2, q. 63, a. 1.

[15] Cf. *S. theol.* 1, 2, q. 51, a. 4.

440. The subject of operative habit is all those human powers which are not determined to one thing, but are able to operate in diverse ways and exercise their operations more or less perfectly and promptly. But those powers which act necessarily, and always in the same way, cannot receive habits properly so called. The reason is that habit is superfluous if a power is wholly determined to one thing and of itself is sufficiently furnished for operating. Hence operative habits are in the intellect, for example science; in the will, for example the virtue of justice; and in the sensitive appetite, for example the virtue of temperance and the vice of intemperance.[16] On the contrary, operative habits do not exist in the vegetative power, nor in the external senses,[17] nor even, of themselves, are operative habits found in brute animals, but only insofar as they are directed by man. For brute animals always follow the instinct of their nature, unless they have been directed by man or previously instructed.[18]

But entitative habits can be in the body, as for example health, beauty, etc.,[19] and in the soul insofar as it is furnished with the supernatural habit of sanctifying grace. But because the essence of the soul is a complete nature and cannot receive any new accidents, it therefore cannot be the subject of natural entitative habits.[20]

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[16] Cf. ib. q. 50, a. 3, 4, and 5. For the sake of brevity we omit the controversy discussed among theologians, namely in what precise way habits and virtues are found in the sensitive appetite. See John of St. Thomas, *Curs. theol.* in 1, 2, disp. 18, a. 2.

[17] Cf. *S. theol.* 1, 2, q. 50, a. 3.

[18] Ib. ad 2.

[19] Cf. ib. a. 1.

[20] Ib.

441. Origin and increase of habits. By the origin of habits is understood their efficient cause, which is threefold, as has already been said: 1. God, who causes supernatural habits by infusing sanctifying grace.[21] 2. Nature itself, which causes both a) certain dispositions or entitative habits, such as beauty and health, and b) certain propensities in the faculties of the soul. Indeed, those natural propensities transmitted by heredity are not perfect habits, but are, as it were, latent and inchoate.[22] The pedagogical art must pay the greatest attention to watching over those natural propensities proper to each man, namely by fostering or repressing them. Good natural propensities are to be fostered; but evil ones are to be vigorously and at the same time continually uprooted. We have already said above, n. 439, that propensities of this sort either are common to all men, namely the habit of first speculative and practical principles, or are particular to certain men, for example a propensity toward anger. 3. Exercise. It is clear from daily experience that habits are generated and also increased by multiplied acts. The more intensely, longer, and more frequently acts are repeated, the greater the habit, that is, the greater the promptitude of performing such acts, is wont to arise, unless, however, man's powers are exhausted from acts repeated too much. Thus, for example, from intense study of letters the habit of science is acquired, unless such study is so exaggerated that the powers of the brain are weakened.

The increase of habits is twofold: one extensive, the other intensive. The first is had when a habit extends itself to greater or more numerous objects. In this way only intellectual habits can be increased;[23] thus, for example, the habit of science grows when the number of objects of science is increased. The other increase, namely intensive, is present when a habit is more deeply rooted in its subject, so that the subject more easily and promptly elicits acts. In such a way both intellectual and moral habits can be increased. Thus, for example, the

habit of the acquired virtue of temperance is increased when a man is more easily and promptly and perseveringly able to elicit acts of temperance. A habit can become as it were a second nature, and the more it approaches this naturalness, the more easily and delightfully it operates. For things which are done naturally are done easily and delightfully. Thus also depraved habits, namely vices, can become as it were a second nature inducing man to acting almost with a certain natural necessity. Examples are the vices of drunkenness, lust, anger, etc. On the increase of infused habits, namely of supernatural virtues, there will be a return below at n. 475. - The Angelic Doctor notes[24] that acquired habits are not increased by any exercise of acts whatsoever, but only by intense exercise. For if the exercised act, although often repeated, is remiss and more imperfect than the act which could be produced by the habit possessed, the habit is not increased, but rather diminished. Hence experience establishes, for example, that a musician who plays often but not very artistically not only does not grow in musical art, but gradually loses it.

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[21] Cf. below on infused virtues, n. 468.

[22] Cf. *S. theol.* 1, 2, q. 51, a. 1.

[23] A moral habit or virtue cannot be increased extensively, that is, insofar as it extends itself to more objects, for virtue is not true virtue unless it extends itself to its whole object. Wherefore St. Thomas says: "It belongs to the account of virtue that in all things one should act virtuously; hence science can be increased either according to the number of objects, or according to its intensity in the subject; but virtue in one way only" (*Quaest. disp. de virtut.* a. 11, ad 10).

[24] *S. theol.* 1, 2, q. 52, a. 3.

442. Corruption and diminution of habits. 1. The habits of first principles, both speculative and practical, cannot be corrupted by any forgetfulness or deception. The reason is that such habits are as it were begotten from human nature, and therefore last as long as the nature of man exists. This is also established by experience; for there is no one so vicious that he does not know that good is to be done and evil omitted; no one of sound mind is so stupid that he does not understand that the whole is greater than its part, the principle of contradiction, etc.

2. Supernatural or infused habits can indeed be corrupted, but not diminished, as will be explained below, n. 476 sq., concerning infused virtues.

3. Natural acquired habits can both be corrupted and diminished. First of all, such habits are diminished and corrupted:

a) Through contrary acts, especially intense and often repeated acts. For contraries are destroyed by contraries, and custom is overcome by contrary custom. Hence, for example, the acquired habit of temperance gradually decreases and at last is corrupted by repeated acts of drunkenness.[25]

b) Through long cessation from the exercise of acts. Thus experience makes clear in both intellectual and moral habits. "When someone does not use the habit of virtue for moderating the passions and proper operations, it is necessary that many passions and operations arise beyond the mode of virtue, from the inclination of the sensitive appetite and of other things which move externally. Hence virtue is corrupted or diminished through cessation from act. Similarly also it is on the part of intellectual habits, according to which a man is prompt to judge rightly about things imagined. Therefore, when a man ceases from the use of an intellectual habit, extraneous imaginations arise and sometimes lead to the contrary; so that ... a man is rendered less apt for judging rightly and sometimes is totally disposed to the contrary."[26] Thus, for example, the habit of speaking some language is gradually diminished and at last ceases through long non-use.

4. Per accidens, operative habits, even spiritual ones, are corrupted through corruption of the bodily organ which is necessary for the exercise of the act. Thus those who labor under certain diseases of the brain no longer have right judgment concerning the morality of acts.

[25] *S. theol.* 1, 2, q. 53, a. 1-2.

[26] Ib. a. 3.

Chapter I. On The Nature Of Virtue

We divide this chapter into three articles: 1. on the notion of virtue; 2. on the relation between virtues and the gifts and fruits of the Holy Spirit and the beatitudes; 3. on the distinction of virtues.

Article I. On the notion of virtue

On The Notion Of Virtue.[27]

[27] St. Thomas, l. c. q. 55-70; Billuart, *Dissert. de virtutibus*; E. Muller, *Theol. mor.* I, § 104-123; Billot, *De virtutibus infusis*; Chr. Pesch, *Prael. dogm.* VIII *de virtutibus*; Gopfert, *Moraltheol.* I, § 423 sqq.; Marc, *Instit. mor.* I, n. 379 sqq.

443. Diverse acceptations. The name of virtue is not taken in one sense by different authors. Among those multiple acceptations the following seem more notable; namely, virtue is named:

1. Strength and power (*ἰσχύς, δύναμις*), in which sense we speak of attractive, executive, material virtue, etc., and in Sacred Scripture it is said: "A giant shall not be saved in the multitude of his strength."[28]
2. Some species of Angels, who are as it were personified virtues. Hence it is said: God "set" Christ "on his right hand in the heavenly places, above all principality, and power, and virtue, and dominion."[29]
3. Potency by opposition to act and form. Thus it is customary to say: the intellective soul contains virtually that which the sensitive soul has formally.
4. Goodness and perfection, or something praiseworthy. Wherefore St. Thomas[30] says: "Virtue names a certain perfection," and: "Commonly, however, every thing that is good and praiseworthy in human acts and passions is called virtue."[31]
5. Miracle. Hence the operation of virtues is the same as the operation of miracles.[32]
6. A good operative habit. In this last sense alone we now speak of virtues. Socrates, Plato, and others taught that "all virtues are prudences," and therefore that man cannot sin as long as true knowledge exists in him, and consequently that every sin arises from ignorance. St. Thomas refutes this opinion,[33] because it is manifestly clear that certain sins are committed not because of ignorance, but from certain knowledge and after serious deliberation. According to the same St. Thomas,[34] "it belongs to the account [that is, to the essence] of human virtue that it be an operative habit," and "human virtue, which is an operative habit, is a good habit and operative of good."

[28] Ps. 32, 16.

[29] Eph. 1, 20 sq.

[30] *S. theol.* 1, 2, q. 55, a. 1.

[31] Cf. ib. 2, 2, q. 144, a. 1.

[32] Cf. *S. theol.* 1, 2, q. 111, a. 4, and 2, 2, q. 178, a. 1 ad 1.

[33] Ib. 1, 2, q. 58, a. 2.

[34] Ib. q. 55, a. 2 and 3.

444. Definition. Several definitions are assigned for virtue taken in this last sense. The principal ones are three Aristotelian and one Augustinian.[35]

1. *Virtue is the disposition of what is perfect toward the best.* Thus Aristotle,[36] signifying that virtue is a certain habitual disposition of some perfect, that is complete, nature or power toward its best, that is, toward operation. For nature and power are given by the Creator for performing operations, and they are then best when they can exercise their operations promptly, easily, and delightfully. But this happens if they are adorned with fitting virtues.[37]

2. *Virtue is that which makes the one having it good and renders his work good.* This definition, often used by Aristotle[38] and after him by St. Thomas,[39] is excellent if it is understood of moral virtue; but it cannot without limitation be used of intellectual virtue, as will be said below, n. 457. For moral virtue produces a twofold goodness, that is, on the part of the subject which it perfects, and on the part of the work which it makes good. But that moral virtue renders morally good the man who has it arises from this, that he who perfectly has one moral virtue also possesses all the others, because moral virtues are connected, as will be said below, n. 464. Moreover, he who possesses all the virtues is a morally good man. But that a work performed from virtue is good is clear of itself.[40]

3. *Virtue (moral) is an elective habit consisting in the mean of reason, as the wise man will have determined.* Thus Aristotle[41] and several times St. Thomas.[42] For moral virtue must in acts avoid defect as much as excess. And therefore the common adage says: "In the middle is virtue." For example, the virtue of liberality is then and only then present when a man, with all circumstances considered, gives money or other goods neither too abundantly, for this would be prodigality, nor too sparingly, which indeed would be avarice. But in particular cases to determine precisely in what the mean consists is not easy; rather, a sufficiently great wisdom is required for this. Hence in the definition there is added: "as the wise man will have determined." Often also it is said by the Scholastics that moral virtues require the mean of reason, which signifies: by right reason it must be determined in what the due mode and measure of actions consist.

4. *Virtue is a good quality of mind, by which one lives rightly, which no one uses badly, which God works in us without us.*

This definition, composed from diverse places of St. Augustine,[43] is proposed as best by St. Thomas[44] and other theologians.

It is said 1. *good quality*, by which words the genus and difference of the thing defined are indicated. For the genus of virtue is quality; but the difference is good. "Yet the definition would be more fitting if habit were put in place of quality, which is the proximate genus."[45] For since quality is something generic, under which four species are contained: a) habit and disposition, b) potency and impotence, c) passion and passible quality, d) form and figure,[46] habit is a special quality, namely one difficult to move, by which one operates easily, promptly, and delightfully. But in reality every perfect virtue is a quality difficult to move. For just as virtue is not acquired except by repeated acts, so neither is it usually lost by one act. Concerning the loss of virtues, a more explicit discussion will return below, n. 465 and 476. Through the mediation of virtue man performs

good works easily, promptly, and delightfully. These words indeed do not signify that the virtuous man suffers no difficulties at all in the exercise of works, but only that he acts more easily, promptly, and delightfully than if he did not have the virtues. But the reason why facility, promptitude, and delight in acting arise from virtue possessed is that virtue is a habit. But a perfect habit is as it were a second nature. And those things which happen according to nature are done easily, promptly, and with delight.

It is said 2. *of mind*, that is, of a power essentially, or at least participatively, rational, whether it be the mind or intellect, or the will, or the sensitive appetite, yet insofar as this is moved by the will. For every human virtue is in these powers as in its proper subject. The reason is that virtue is given for doing free good operations. Hence those powers of man which do not participate, at least in some way, in liberty are not the subject of virtues, as for example the eyes, ears, members of the body, and internal senses. In which faculty the virtues are subjected will be said when there is special discussion of the individual virtues.

It is said 3. *by which one lives rightly*,[47] by which words the office and necessity of virtues are designated briefly indeed but forcefully. Therefore virtues consist neither in pure knowledge of the good, as several Stoics wished, nor in sterile affections, as Michael de Molinos and the Quietists taught, but in a right and operative life according to the eternal law and the other norms of morality. - Since a right life is wholly necessary for every man, it is necessary that virtue also be necessary for him. For for a right life it is required that man, notwithstanding diabolical, worldly, and carnal attacks, follow right reason perfectly, promptly, and constantly. This indeed certainly cannot be done without the help of virtues. - Yet to live rightly in this definition cannot be taken for moral rectitude alone, but for the rectitude of that power in which there is virtue. Therefore with respect to intellectual virtue, to live rightly is to attain truth. But since to attain truth is not simply a right life, this part of the definition belongs to intellectual virtues not so perfectly as to moral and theological virtues. Or more briefly: Intellectual virtues cause an expeditious faculty of acting well; but moral virtues besides this induce one to the right use of this faculty.[48]

It is said 4. *which no one uses badly*, to distinguish virtue from other habits which man can abuse for evil, for example science, art, etc. But the Angelic Doctor rightly observes[49] that man can indeed abuse virtue as an object. Thus, for example, someone can hate virtue or be proud about it. But it is by no means possible that an act elicited by true virtue should be evil considered in itself. Thus, for example, an act of true liberality is always in itself good, as being conformed to right reason. Indeed, if that act were done for an evil end, for example to seduce a poor girl, it would be totally evil; but then neither would it be an act of the virtue of liberality, since liberality is the virtue moderating love of riches and rendering a man easy and prompt to spend them when right reason dictates. It would indeed be an act materially similar to acts of liberality, but the virtue of liberality would in no way flow into it. For it often happens that one and the same act, considered materially, is elicited or commanded by diverse habits.

It is said 5. *which God works in us without us.* This particle holds only for infused virtues; but if it is removed, the rest of the definition will be common to all virtues, and especially to moral virtues.

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[35] For several other definitions of virtue, see St. Bonaventure (2, dist. 27, dub. 3) and Lactantius (*Div. instit.* l. 6, c. 5 [Migne, *Patr. lat.* 6, 649 sqq.]). Very worthy of note, because of its brevity and perfection, is that definition which St. Augustine gives, saying: "It seems to me that the true and brief definition of virtue is: order is of love" (*De civ. Dei* l. 15, c. 22; Migne, *Patr. lat.* 41, 467). Cf. also St. Thomas, *S. theol.* 1, 2, q. 62, a. 2 ad 3.

[36] *Phys.* l. 7, c. 3.

[37] Cf. *S. theol.* 2, 2, q. 123, a. 2 ad 1.

[38] Cf. e.g. *Ethic.* l. 2, c. 5 and 6.

[39] Cf. e.g. *Quodl.* 4, q. 2, a. 2.

[40] For a good explanation of this Aristotelian definition, see St. Thomas, *Quaest. disp. de virtut.* q. 1, a. 1.

[41] *Ethic.* l. 2, c. 6: "Ἔστιν ἄρα ἡ ἀρετὴ ἕξις προαιρετική ἐν μεσότητι οὖσα τῇ πρὸς ἡμᾶς ὡρισμένῃ λόγῳ καὶ - ὡς ἂν ὁ φρόνιμος ὁρίσειεν" - Virtue is a habit which deliberately consists in that mean which has been determined by reason, and indeed as the wise man will have determined.

[42] For example, *Quaest. disp. de virtut.* q. 1, a. 13; *S. theol.* 1, 2, q. 64, a. 1.

[43] In various places and especially *De libero arbitrio* l. 2, c. 19; *Contra Iulian.* l. 4, c. 3.

[44] Cf. *S. theol.* 1, 2, q. 55, a. 4; *Quaest. disp. de virt.* q. 1, a. 2.

[45] Thus *S. theol.* l. c.

[46] Concerning all these, see *S. theol.* 1, 2, q. 49, a. 2.

[47] Cf. *S. theol.* 1, 2, q. 61, a. 1.

[48] This part of the definition, like the following part, does not belong necessarily to intellectual virtues.

[49] *S. theol.* 1, 2, q. 55, a. 4 ad 3.

Article II. On The Relation Between Virtues And The Gifts And Fruits Of The Holy Spirit And The Beatitudes

The essence of virtue is known still more clearly if attention is given to the difference which exists between virtue and the gifts and fruits of the Holy Spirit and the beatitudes.

Virtue, therefore, is a permanent habit disposing man so that in his acts he follows reason or faith.

445. But the gifts of the Holy Spirit are supernatural habits accompanying sanctifying grace, by which the powers of the soul are made well disposed to receive the illuminations or motions of the Holy Spirit.[50]

The higher the mover is, the higher the disposition usually required in the movable subject; this appears by the following example: A pupil who is instructed in primary school does not need so perfect a disposition as a student who wishes to learn science at a university. In both indeed a prior disposition is required, but not an equal one. Thus similarly the disposition which is required for eliciting virtuous acts is much lower than the disposition which is required for performing acts of the gifts of the Holy Spirit.[51] Hence one who has these gifts is said to be anointed by the Holy Spirit.

Hence the gifts of the Holy Spirit differ from the virtues in this way: a) The gifts dispose man so that he may be well movable by God; but the virtues dispose him so that he may be well movable by reason, disposed both by natural and supernatural perfection. b) The gifts move to acting more efficaciously than the virtues; for "the grace of the Holy Spirit knows not slow strivings."[52] Therefore under the influence of the gifts man is more acted upon than acts, yet he by no means has himself merely passively.[53] c) The virtues dispose man for doing works necessary for salvation; but the gifts impel not only to what is necessary for salvation, but also to heroic acts and acts of supererogation.[54]

St. Thomas[55] teaches that the gifts are necessary for man unto salvation, because man is not sufficiently moved into the ultimate supernatural end, to which reason, in some way but not perfectly informed by the theological virtues, moves him, unless there be present from above the instinct and motion of the Holy Spirit, according to that saying: "Whosoever are led by the Spirit of God, they are the sons of God ... and heirs";[56] and it is said: "Thy good Spirit shall lead me into the right land."[57] Hence Leo XIII, in his Encyclical *Divinum illud*

munus, dated May 9, 1897, treating specially of the Holy Spirit, says: "For the just man, namely one living the life of divine grace and acting through suitable virtues as through faculties, plainly needs those seven things which are properly called the gifts of the Holy Spirit."

The very common opinion teaches with St. Thomas that the gifts of the Holy Spirit are habits adequately distinct from the virtues. The contrary is taught by Hugh of St. Victor,[58] Scotus,[59] Peter Lombard,[60] Vasquez,[61] Christ. Pesch,[62] and others. The opinion of St. Thomas seems better, because those habits are distinct which, although they agree in the material object, nevertheless differ in the formal object. Now the habits of the virtues and of the gifts indeed agree in the material object, namely in directing human acts, but they differ in the formal object. For the directive and motive cause of the virtues is reason, whether natural or supernaturally assisted by faith. But the directive and motive cause of the gifts is the Holy Spirit himself by means of actual grace. But where there is a diverse directive cause, or a diverse regulating and measuring reason, there is also a diverse formal object, namely the good and the true as regulated and measured not by human reason but by divine illumination and measurement.

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[50] Cf. *S. theol.* 1, 2, q. 68, a. 1-3; 2, 2, q. 121, a. 1. The Angelic Doctor notes (*S. theol.* q. 68, a. 4): "In all the powers of man which can be principles of human acts, just as there are virtues, so also there are gifts, namely in reason and in the appetitive power."

[51] Cf. the excellent work *Die Gabe des Pfingstfestes*, composed by Meschler, ed. 8, 1914.

[52] St. Ambrose, *In Luc.* l. 2, c. 1, n. 19 (Migne, *Patr. lat.* 15, 1640).

[53] Cf. *S. theol.* 1, 2, q. 68, a. 3 ad 2; 2, 2, q. 52, a. 2 ad 1 and 3, and Jos. Regler, *Die sieben Gaben des Heiligen Geistes* (Regensburg 1899), 32 sqq. If under the influence of the gifts man had himself only merely passively and were merely acted upon, and did not act, then he would not merit by acts of the gifts; which is false.

[54] St. Bonaventure, *In 3*, dist. 34, P. 1, a. 1, q. 1 ad 5.

[55] *S. theol.* 1, 2, q. 68, a. 2.

[56] Rom. 8, 14.

[57] Ps. 142, 10.

[58] *Summa sent.* tr. 3, c. 12 (Migne, *Patr. lat.* 176, 114).

[59] *In 3*, disp. 14, c. 2, n. 7.

[60] 3, dist. 34.

[61] *In 3*, dist. 34, n. 20.

[62] *Prael. dogm.* VIII, n. 114.

446. Number of the gifts. It is established that there are seven gifts of the Holy Spirit, according to the enumeration of Isaiah: "The Spirit of the Lord shall rest upon him: the spirit of wisdom and understanding, the spirit of counsel and fortitude, the spirit of knowledge and piety; and the spirit of the fear of the Lord shall fill him."[63] Although these things were said principally of Christ the Messiah, nevertheless it is the constant Catholic doctrine that the same gifts descend through Christ to individual justified men. Wherefore the Church prays: "Come, Holy Spirit.... Give to thy faithful, trusting in thee, the sacred sevenfold gift"; and: "Come, Creator Spirit.... Thou sevenfold in thy gift." - Theological reason also shows the fittingness of the sevenfold number of gifts. For the gifts are conferred for perfecting or assisting the virtues. But there are seven virtues, namely three theological and four moral cardinal virtues. Therefore fittingly there also exist seven gifts of the Holy Spirit.[64] Concerning the individual gifts of the Holy Spirit, let these things be said briefly:

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[63] Is. 11, 2-3. The Hebrew text causes some, but not insoluble, difficulty. Cf. Regler, l. c., 138 sq.

[64] The parallelism between the gifts and the virtues, however, is not perfect; for to the three theological virtues correspond four gifts, namely wisdom, understanding, knowledge, and fear; and to the four moral virtues are referred three gifts, namely counsel, fortitude, and piety. Cf. Salmanticenses, *Curs. theol.*, *de virtut.*, arbor praedic. § 2, ed. Paris 1876, t. VI, 419.

447. 1. The gift of wisdom is the highest, and corresponds to the noblest virtue, namely charity. It can be defined: a divinely infused habit by which the mind is rendered easily movable by the Holy Spirit for contemplating divine things and for judging both about them and about human things according to divine reasons. The gift of wisdom considers not only speculative but also practical truths.[65] The Angelic Doctor beautifully notes concerning this gift[66] that wisdom imports a certain rectitude of judgment according to divine reasons. But rectitude of judgment proceeds either from right use of reason or from a certain connaturality with the object of judgment. Thus, for example, a theologian judges rightly about chastity by following acquired moral knowledge; but a simple man having the perfect virtue of chastity also judges rightly about those things which pertain to chastity, not indeed from acquired moral knowledge, but from a certain connaturality. It is similar in wisdom. Wisdom, insofar as it is an intellectual virtue, judges about the highest and divine things by following the right use of reason; but wisdom, insofar as it is a gift of the Holy Spirit, judges about the same divine things because they are as it were connatural to it. But connaturality of this sort with divine things arises from the theological virtue of charity, which intimately unites us with God. Therefore the gift of wisdom is founded upon charity, and the more perfect charity is, the more perfectly the gift of wisdom operates in man.[67] Hence it is said: "The soul of a holy man sometimes declares true things more than seven watchmen sitting on high to watch";[68] and: "I have understood above the ancients, because I have sought thy commandments."[69] In the *Imitation of Christ*[70] it is most truly written: "A good life makes a man wise according to God and experienced in many things."

Sacred Scripture extols wisdom with the greatest praises: "I preferred her before kingdoms and thrones, and esteemed riches nothing in comparison of her.... Now all good things came to me together with her, and innumerable honor through her hands."[71] Wisdom is the mother and guide of all virtues: "For she teacheth temperance and prudence, and justice, and fortitude, than which nothing is more useful to men in life.... For she is the teacher of the discipline of God and the chooser of his works."[72]

The first effect of the gift of wisdom is filial fear of God,[73] according to that saying: "The fear of the Lord is the beginning of wisdom."[74]

The supreme effect of the gift of wisdom is sweet peace, made both among the diverse faculties of the soul and between man and his neighbors. Hence the beatitude corresponds to the gift of wisdom: "Blessed are the peacemakers, for they shall be called the children of God."[75] For peace is the tranquility of order. But it belongs to wisdom to make the best order both between man and God and among individual men. Add that the gift of wisdom arises from charity, to which it belongs to have peace.[76]

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[65] *S. theol.* 2, 2, q. 45, a. 3.

[66] Ib. a. 2.

[67] Ib. a. 5.

[68] Eccli. 37, 18.

[69] Ps. 118, 100.

[70] L. 1, c. 4.

[71] Wis. 7, 8, 11.

[72] Wis. 8, 7 and 4.

[73] *S. theol.* 2, 2, q. 19, a. 7.

[74] Ps. 110, 10; Eccli. 1, 16.

[75] Matth. 5, 9.

[76] Cf. *S. theol.* 2, 2, q. 45, a. 6 c., and ad 1 and 3.

448. 2. The gift of understanding is a supernatural light given to a just man, by which he intimately apprehends those things which have been revealed by God, whether practical or theoretical. If, therefore, a man is furnished with this gift, he has as it were a divine instinct for rightly and intimately perceiving revealed truth. Christ rebukes the Apostles for not grasping the sense of the words: "Are you also yet without understanding?"[77] St. Thomas first explained the gift of understanding differently,[78] but later retracted this. The gift of understanding is a certain complement of the virtue of faith, and to it corresponds the beatitude:[79] "Blessed are the clean of heart, for they shall see God."[80] Moreover, the gift of understanding produces two fruits of the Holy Spirit, namely faith, that is, a certain certitude of faith intimately perceived, and then the joy arising from this.[81] Faith indeed was neither in Christ nor is in the blessed in heaven; but the gift of understanding, which gives a special illumination of the mind, both was in Christ and will be in the blessed in heaven.

[77] Matth. 15, 16.

[78] Cf. *S. theol.* 1, 2, q. 68, a. 4.

[79] Cf. ib. 2, 2, q. 8, a. 6.

[80] Matth. 5, 8.

[81] Cf. *S. theol.* 2, 2, q. 8, a. 2 and 8. John of St. Thomas explains very well the difference between the gift of understanding and faith in 1, 2, disp. 18, § 3, n. 4.

449. 3. The gift of knowledge is a supernaturally infused habit by which the just man, from a special instinct of the Holy Spirit, rightly discerns things to be believed from things not to be believed, firmly judges revealed things to agree with sound reason, and generally judges divine and human things in order to the supernatural end. Therefore the gift of knowledge, together with the gift of understanding, corresponds to theological faith, because each disposes to an altogether perfect assent of faith.[82] The gift of knowledge, which is also called the knowledge of the saints, judges from a certain spiritual taste and affection of charity, and indeed through lower or natural causes, concerning all things insofar as they are ordered to the supernatural end. St. Bonaventure refers the gift of knowledge to the virtue of prudence.[83] To the gift of knowledge corresponds the beatitude: "Blessed are they that mourn, for they shall be comforted."[84] For we mourn and are saddened because through knowledge we know how often and efficaciously creatures are causes of falling away from God.[85] - To the gifts of wisdom, understanding, and knowledge the same fruit of the Holy Spirit corresponds, namely faith, which is a certain certitude concerning supernatural truths.[86]

[82] Cf. ib. q. 9, a. 1.

[83] *Breviloq.* P. 5, c. 5.

[84] Matth. 5, 5.

[85] Cf. *S. theol.* 2, 2, q. 9, a. 4.

[86] Ib. q. 8, a. 8 ad 3.

450. 4. The gift of counsel is a supernaturally infused habit by which the just man, moved by the Holy Spirit, rightly judges and commands the individual actions to be done. Therefore man is directed through the gift of counsel as if through counsel received from God himself; and therefore he can confidently say: "The Lord ruleth me, and I shall want nothing."[87] The gift of counsel assists and greatly perfects the virtue of prudence, especially in extraordinary cases.[88] To this gift corresponds the fifth beatitude, namely: "Blessed are the merciful, for they shall obtain mercy."[89] For counsel must direct us in all things which conduce to eternal life. But mercy often and rightly exercised is the best means, as being an excellent act of charity, for obtaining eternal life.[90]

[87] Ps. 22, 1.

[88] Cf. *S. theol.* 2, 2, q. 52, a. 1 and 2.

[89] Matth. 5, 7.

[90] *S. theol.* 2, 2, q. 52, a. 4.

451. 5. The gift of piety is a habit infused with sanctifying grace, from which the soul is affectioned toward God as a most kindly father and is promptly movable by the Holy Spirit for venerating God the Father and for loving men as sons of God. In this sense it is said: "You have received the Spirit of adoption of the sons of God, in whom we cry: Abba, Father."[91] St. Augustine and St. Thomas[92] attribute to the gift of piety the second beatitude: "Blessed are the meek, for they shall possess the land,"[93] because by meekness impediments to the acts of piety are removed. But the gift of piety corresponds to the virtue of justice.[94] From the fruits of the Holy Spirit, three are especially attributed to the gift of piety, namely goodness, benignity, and meekness.[95]

[91] Rom. 8, 15.

[92] *S. theol.* 2, 2, q. 121, a. 2.

[93] Matth. 5, 4.

[94] *S. theol.* l. c. a. 1.

[95] Ib. 1, 2, q. 70, a. 3.

452. 6. The gift of fortitude is a habit infused with sanctifying grace by which the soul is strengthened by a certain singular confidence of escaping any temporal evils whatsoever and of arriving at the end of the combat without detriment.[96] The virtue of fortitude also, to which the gift of fortitude corresponds, strengthens the soul for sustaining any dangers whatsoever, but it does not give so great a confidence of escaping them as the gift of fortitude provides. To this gift of fortitude corresponds the fourth beatitude, namely: "Blessed are they that hunger and thirst after justice, for they shall have their fill,"[97] and from the fruits of the Holy Spirit are referred to it: patience and longanimity.[98]

[96] Ib. 2, 2, q. 139, a. 1.

[97] Matth. 5, 6.

[98] Cf. *S. theol.* l. c. a. 2.

453. 7. The gift of fear is a supernatural habit by which the just man, from the motion of the Holy Spirit, most profoundly reveres the majesty of God. It is therefore a filial, not servile, and reverential fear toward the divine majesty, before which even the angels themselves fall upon their faces.[99] The gift of fear corresponds to the virtue of hope. "For filial fear and hope cling to one another and perfect one another,"[100] for filial fear raises

the mind to hoping in God as a most loving father and thus guards against desperation; but it restrains the soul from presumption, lest, namely, too great confidence be had. - The gift of fear also corresponds to the virtue of temperance, because both these habits efficaciously repress the disordered appetite of delectation and of one's own excellence. The first beatitude, namely, "Blessed are the poor in spirit, for theirs is the kingdom of heaven,"[101] is wont to arise from the gift of fear; for he who has a profound reverential fear toward God attributes all things to God and nothing to himself; and this indeed is true humility or poverty of spirit.[102] - To the gift of fear, from the fruits of the Holy Spirit, there correspond those which pertain to the moderate use of temporal things, such as modesty, continence, and chastity.[103]

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[99] Cf. Apoc. 7, 11.

[100] *S. theol.* 2, 2, q. 19, a. 9.

[101] Matth. 5, 3.

[102] Cf. *S. theol.* l. c. a. 12.

[103] Ib. ad 3.

454. The fruits of the Holy Spirit, which are enumerated by St. Paul[104] as twelve:[105] "The fruit of the Spirit is charity, joy, peace, patience, benignity, goodness, longanimity, meekness, faith, modesty, continence, chastity," are human acts which are elicited from the virtues and the gifts of the Holy Spirit and refresh us with a certain holy and sincere delight. From this definition it appears that the words by which these fruits are denominated do not designate habits, as they could seem at first glance to do, but acts of those habits. Hence, for example, if charity is enumerated as a fruit of the Holy Spirit, the theological virtue of charity is not understood, but the act elicited by that virtue under the special influence of the Holy Spirit. Most beautifully and no less truly the first three fruits are assigned by St. Paul as "charity, joy, peace." For acts of love, whether of God or of neighbor, cause the greatest delights, joys, and imperturbable peace, and indeed not only in eternal life, but already also on this earth. But deservedly after St. Augustine, St. Thomas[106] teaches that St. Paul did not enumerate all the fruits; "hence either more or fewer fruits could have been enumerated." The fruits of the Holy Spirit, that is, a certain sweetness joined with virtuous acts, are necessary for man in this valley of tears, just as strengthening Manna was necessary for the Israelite people crossing the desert.

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[104] Gal. 5, 22.

[105] In the Greek text of this place only nine fruits are enumerated: Ὁ δὲ καρπὸς τοῦ πνεύματός ἐστιν ἀγάπη (love), χαρά (joy), εἰρήνη (peace), μακροθυμία (longanimity), χρηστότης (mildness), ἀγαθωσύνη (uprightness), πίστις (faithfulness), πραΰτης (meekness), ἐγκράτεια (purity).

[106] *S. theol.* 1, 2, q. 70, a. 3 ad 4 and a. 4.

455. The beatitudes, which are enumerated by St. Matthew[107] as eight, but by St. Luke[108] as four, are, like the fruits of the Holy Spirit, acts and not habits. But they differ from the fruits in this, that the beatitudes signify outstanding acts of the virtues and especially of the gifts, insofar as in a certain peculiar way they lead a) to obtaining heavenly beatitude and besides this b) to having some inchoate beatitude already on this earth; but the fruits are acts not so excellent, yet bringing with themselves a certain spiritual delight. Hence every beatitude is a fruit, but not conversely is every fruit a beatitude.[109]

The Angelic Doctor says briefly:[110] "The difference of gifts, beatitudes, virtues, and fruits from one another is taken in this way: For in virtue one must consider habit and act. But the habit of virtue perfects one for acting well; and if indeed it perfects one for operating well according to the human mode, it is called virtue; but if it

perfects one for operating above the human mode, it is called a gift.... But the act of virtue is perfecting, and so it is a beatitude; or delighting, and so it is a fruit." - Blessed Albert[111] seems to have taken both the beatitudes and the fruits of the Holy Spirit as habits, but his mind is not so clear.

[107] Matth. 5, 3 sqq.

[108] Luc. 6, 20 sqq.

[109] *S. theol.* 1, 2, q. 69, a. 1 c. and ad 1; a. 2.

[110] *In Gal.* 5, lect. 6.

[111] *In Matth.* 5, 3.

Article III. On The Distinction Of Virtues

They are principally distinguished:

456. 1. Acquired and infused virtues. Acquired virtues are called those which man obtains for himself by his own acts. Indeed, there have been implanted in man certain principles as if naturally inborn, both of things knowable and of things to be done. Thus in the will there is a certain natural appetite for the good, and in the intellect there are certain practical truths so obvious and so clear that anyone imbibes them as it were with his mother's milk. Hence certain virtues are inchoatively from rational nature.[112] Add that certain men from their natural constitution, commonly called their "temperament," are inclined to certain virtues, for example to fortitude, to meekness, etc. But no perfect virtue belongs to man by nature; it must be acquired either by exercise of acts or by supernatural infusion.[113] - Infused virtues are those which, in a supernatural manner, are mercifully infused into man by God together with sanctifying grace, for example faith, hope, charity. - As long as charity, which is the form of all virtues (cf. below, 559), exists in man, his virtues are called formed; but once charity has been lost, the other virtues, and notably faith and hope, are called unformed.

2. Intellectual, moral, theological virtues.

[112] Cf. St. Chrysostom, Hom. 13 *de statuis.*

[113] Cf. *S. theol.* 1, 2, q. 63, a. 1, and below n. 473.

457. Intellectual virtues[114] are called those which perfect man with respect to the knowledge of truth, whether practical or speculative.[115] Five are enumerated by Aristotle and St. Thomas, namely understanding, science, wisdom, prudence, art.

The virtue of understanding[116] is a habit perfecting the faculty of intellect for knowing first principles perfectly. For the intellective faculty of man from birth is as it were a blank tablet. By means of sensitive perception, ideas gradually come into the intellective faculty. But if that faculty shall have attained the habit of clearly and intimately knowing first practical principles, then it has acquired the so-called virtue of understanding, which is called synteresis.

The virtue of science[117] is a habit perfecting man's rational faculty for logically deducing conclusions from known principles, for example the science of Moral Theology.

The virtue of wisdom[118] is a habit perfecting the intellective faculty for considering all things, whether principles or conclusions, insofar as they have relation to the highest cause. "Therefore the virtue of wisdom contains under itself both the virtue of understanding and the virtue of science."[119] Truly and perfectly wise is

called that man who not only knows that God is the principle and end of all things and actions, but also directs all his actions according to this knowledge; which St. Bernard[120] briefly states in these words: "It belongs to the wise man, in those things which have been created, to look upon God as the end for which they have been created."

The virtue of prudence[121] is commonly defined: "right reason of things to be done,"[122] or an intellective habit directive of human actions according to right reason in every event. Prudence is called the charioteer of all the virtues; for it directs all moral virtues; hence no moral virtue can exist without prudence, but neither can the virtue of prudence exist without the moral virtues.[123] Prudence according to its essence is an intellectual virtue, for it perfects man's practical intellect, in which it also resides; but according to matter it is a moral virtue, because it directs human or moral acts to the ultimate end.[124] Below there will be a special tract on prudence.

The virtue of art[125] is right reason of things to be made.[126] Things to be made are distinguished from things to be done. For things to be made are actions physically considered and especially external works, for example to paint, to sing; but things to be done are human actions morally considered, insofar as they conduce to the ultimate end and receive their norm from the eternal law.

Intellectual virtues, with the single exception of prudence, are not perfect virtues. For it belongs to perfect virtue to render man morally good, as is clear from the second Aristotelian definition given above, n. 444. But intellectual virtues indeed produce works good in themselves and make the power of the intellect good or right,[127] yet they do not necessarily render the man himself good. Thus, for example, someone can paint from a perfect habit of art and nevertheless be a man without good morals. - Intellectual virtues are to be esteemed at their just price, that is, neither with the exaggeration of many men of our age, who think that the whole perfection of man consists in the so-called culture of the spirit, nor with the undervaluing of Wyclif and certain Lutherans. Hence the Council of Constance[128] condemned the error (29) of Wyclif saying: "Universities, studies, colleges, graduations, and masterships in them were introduced by vain paganism; they profit the Church just as much as the devil."

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[114] Spiritual virtues, διανοητικαὶ ἀρεταί; cf. Aristotle, *Ethic. Nicom.* 1, c. 13, 1103.

[115] Cf. *S. theol.* 1, 2, q. 58, a. 3.

[116] νοῦς.

[117] ἐπιστήμη.

[118] σοφία.

[119] *S. theol.* 1, 2, q. 57, a. 2 ad 2.

[120] *Sermo* 3 *de Pentec.* n. 4.

[121] φρόνησις.

[122] Aristotle, *Ethic.* l. 6, c. 5; *S. theol.* 2, 2, q. 47, a. 2, arg. *Sed contra.*

[123] Cf. *S. theol.* 1, 2, q. 58, a. 4 and 5.

[124] Cf. ib. a. 3 ad 1; 2, 2, q. 181, a. 2 ad 3.

[125] τέχνη.

[126] *S. theol.* 1, 2, q. 57, a. 4.

[127] Ib. a. 1.

[128] Sess. 8 (Denz. n. 609).

458. Moral virtues are habits, whether acquired by good acts or infused together with sanctifying grace, which perfect the powers of man for acting rightly concerning those things which are means to the ultimate end. Already from the most ancient times[129] all moral virtues were commonly reduced to four principal ones, namely to prudence, justice, fortitude, and temperance. But St. Ambrose[130] seems to have been the first among the Holy Fathers who called the four above-praised virtues cardinal: "And indeed we know that the cardinal virtues are four: temperance, justice, prudence, fortitude." St. Thomas[131] teaches that these virtues can be called cardinal or principal under a twofold respect, namely either because they are certain general conditions necessary for any virtue whatsoever, or because they concern the more principal moral matters.

As to the first, in every virtue there are required a) prudent discretion, so that man neither exceeds nor falls short; b) rectitude of soul, or justice; c) fortitude, lest man be drawn back from the exercise of virtue by dangers or difficulties; d) temperance, lest man be carried away by passions.

But as to the second sense, there are four more principal moral matters, namely the command itself of reason, concerning which prudence is occupied; external operations, concerning which justice is occupied; the passions of the irascible part, concerning which fortitude is occupied; and finally the passions of the concupiscible part, concerning which temperance is occupied.

A third respect can also be assigned: the four cardinal virtues, whether infused or acquired, greatly serve for healing the four wounds inflicted on us from original sin; for prudence drives away ignorance in the intellect; justice represses malice in the will; fortitude removes or at least diminishes weakness in the irascible part; and finally temperance restrains concupiscence in the concupiscible part.

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[129] The quaternary number of moral virtues was already established by Socrates, Plato, and Aristotle (cf. Ziegler, *Die Ethik der Griechen und Romer*, 88). But Cicero enumerates the four moral virtues in explicit words: "It [simple honesty] therefore has four parts: prudence, justice, fortitude, temperance" (*De invent.* 2, c. 53; cf. also *De officiis* 1, c. 5). Sacred Scripture indicates the same moral virtues not obscurely (Wis. 8, 7): "And if anyone loves justice, her labors have great virtues; for she teaches sobriety (σωφροσύνη, that is, temperance), and prudence (φρόνησις), and justice (δικαιοσύνη), and virtue (ἀνδρεία, that is, fortitude), than which nothing is more useful to men in life." In the tract *De sacramentis* (l. 3, c. 2 [Migne, *Patr. lat.* 16, 453]), which is falsely ascribed to St. Ambrose, the seven gifts of the Holy Spirit are called cardinal virtues.

[130] *Expos. in Luc.* l. 5, n. 49 and 62 (Migne, *Patr. lat.* 15, 1738).

[131] *S. theol.* 1, 2, q. 61, a. 4.

459. Theological virtues are those which a) have God as their direct object, formal and final, and which b) are infused into us and revealed by God alone.[132] Moral virtues are occupied with the means to the supernatural end; but theological virtues directly attain God himself, our ultimate end. There are three theological virtues, namely faith, hope, charity. For first it is required that we know God supernaturally, which is done through faith; second, that we tend efficaciously into the same God, which is done through hope; third, that we be intimately joined with him by affection already on this earth, which is done through charity.

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[132] Ib. q. 62, a. 1.

Chapter II. On Acquired Moral Virtues And Their Properties

We divide this chapter into two articles: 1. on the existence and essence of acquired virtues; 2. on their properties.

Article I. On The Existence And Essence Of Acquired Virtues

Concerning intellectual virtues, as not so properly pertaining to Moral Theology, enough now seems to have been said; it remains that we discuss moral virtues somewhat more broadly, and first indeed those insofar as they are acquired by our acts, or acquired virtues.

460. The existence of acquired virtues in man is certain, so that it does not seem safe in faith if someone were to assert that man cannot acquire virtues by his natural acts. For it is certain that man can elicit good acts by his own powers.[1] Moreover, from repeated good acts arise good habits or virtues. Hence the proposition 25 of Baius was proscribed: "All works of unbelievers are sins and the virtues of philosophers are vices,"[2] and St. Thomas teaches:[3] "Although without grace man cannot avoid mortal sin so that he never sins mortally, nevertheless he is not hindered from being able to acquire a habit of virtue, through which he abstains from evil works for the most part."[4] Hence the doctrine of Baius and Quesnel and of the Synod of Pistoia, who teach that fallen man without the help of grace is unequal to acquiring any virtue for himself, is just as false as the opinion of several philosophers affirming that virtues are innate.[5]

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[1] Cf. ib. q. 109, a. 2.

[2] Denz. n. 1025.

[3] *S. theol.* 1, 2, q. 63, a. 1 ad 2.

[4] Cf. also ib. q. 65, a. 2.

[5] Thus Schopenhauer writes: "Virtues and vices are inborn. Man does not change" (*Die beiden Grundprobleme der Ethik* I, 53).

461. The essence of these virtues is not explained in the same way by all. Several Holy Fathers and Doctors, such as St. Jerome,[6] St. Augustine,[7] St. Gregory the Great,[8] St. Bernard,[9] indeed also St. Thomas,[10] teach that acquired virtues without charity and grace are not virtues simply, but only in a certain respect. But Benedict XIV[11] and, after him, Ernest Muller[12] and Tanquerey[13] assert that acquired virtues without charity and grace are true and perfect virtues in their genus. Here are the words of Benedict XIV:[14] "For if unbelievers can do honorable works and frequently exercise themselves in them, they can also acquire and obtain for themselves habits of such works, and thus consequently have true and perfect moral virtues in their own genus."

It must indeed be conceded that true moral virtues can exist even without charity, for they have whatever pertains to the essence of moral virtue; for they can be very firm habits inducing to good acts and rendering man morally good, at least in some sense. Besides, this doctrine follows from the now certain opinion that a sinful man, or even an unbelieving man, can perform morally good works. Moreover, if someone can perform good works, and that repeatedly, gradually there arises a good habit; and this habit can truly and properly be named virtue. Nevertheless it does not seem that one should concede that these virtues without charity are perfect virtues. For a) perfect virtue is that which makes a man good simply. But a man existing in the state of mortal sin, although he exercises any good works whatsoever, cannot be called good simply, but on the contrary is always worthy of divine hatred. Besides, b) there is no perfect virtue without perfect prudence, since prudence is the charioteer of all the virtues. But if someone knowingly exists in mortal sin or in unbelief, he can in no way be called truly prudent, since he esteems his happiness and his ultimate end lightly. But the Holy Fathers and St. Thomas, who seem to deny true moral virtues without charity, must be understood of perfect virtues and especially of virtues meriting eternal life, as St. Augustine himself[15] not obscurely insinuates when speaking of virtue "which serves for liberating and beatifying men."[16] Hence in reality there does not seem to be disagreement among the diverse Doctors except in the mode of speaking.

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[6] *Comm. in ep. ad Gal.* c. 5.

[7] *De civ. Dei* l. 5, c. 19 and in other places.

[8] *Moral.* l. 20, c. 7, n. 17.

[9] *In Cant. Cant.* sermo 22, n. 1 (Migne, *Patr. lat.* 183, 883): "What have you to do with virtues, you who are ignorant of Christ, the virtue of God? Where, I ask, is true prudence, except in the doctrine of Christ? Whence true justice, except from the mercy of Christ? Where true temperance, except in the life of Christ? Where true fortitude, except in the passion of Christ? Therefore only those who are imbued with his doctrine are to be called prudent; only those just who have obtained pardon of sins from his mercy; only those temperate who strive to imitate his life; only those strong who hold fast in adversities the documents of his patience. Therefore someone labors in vain in the acquisition of virtues if he thinks they are to be hoped for from anywhere other than from the Lord of virtues."

[10] *S. theol.* 1, 2, q. 65, a. 2.

[11] *De serv. Dei beatif.* l. 3, c. 21, n. 6.

[12] *Theol. mor.* I, § 107.

[13] *Synopsis Theol. mor.* II, *De virtut. mor.* n. 586.

[14] *De serv. Dei beatif.* l. 3, c. 21, n. 6.

[15] *Contra Iulian.* l. 4, c. 3.

[16] Cf. Billuart, *De pass. et virtut.* diss. 2, a. 4, § 3.

Article II. On The Properties Of Acquired Virtues

The character of acquired virtues is manifested by four properties, namely: 1. that they consist in a mean; 2. that they are connected; 3. that they are unequal; 4. that they endure after this life. We shall treat each separately, at the same time touching in passing how the same properties belong also to infused virtues.

§ 1. On The Mean Of Virtues

462. Acquired moral virtue consists in a mean, whence the third Aristotelian definition cited above, n. 444, asserted: "Virtue is an elective habit consisting in a mean." The Holy Fathers often speak of this property, namely of the middle of virtue. Thus, for example, the author of the Commentary on Isaiah among the works of St. Basil[17] says: "Virtue is mean and symmetry. But on either side, immoderation exceeding virtue and deficiency are inconcinnity and deformity. Thus fortitude is a mean, immoderation of the same is boldness, and deficiency is timidity. And so the beauty of the soul is symmetry according to virtue, but foulness is immoderation proceeding from malice." St. Gregory of Nyssa[18] writes: "Virtue is the middle between two vices: namely between the defect of the honorable and exuberance." But St. Jerome[19] says beautifully: "It is difficult to keep measure in all things. It is truly according to the opinion of the philosophers: 'Measure is virtue; too much is reckoned vice.'[20] We can express this in one brief sentence: Nothing too much."

St. Thomas[21] proves this property of moral virtues in this way: Moral virtue is a good habit perfecting the appetitive part of man in some determinate matter. But the measure and rule of appetitive motion concerning appetible things is right reason itself; or in other words: Then the human appetite is good when it is commensurated with right reason. But a thing to be measured is good if it completely corresponds to the measure; but it is evil whether it does not reach the measure or exceeds the measure. Hence also the appetite to be measured and regulated by moral virtues will be good and virtuous if it is wholly conformed to right reason and neither exceeds nor falls short, but consists in the mean between excess and defect.

[17] Cap. 5, n. 174 (Migne, *Patr. graec.* 30, 410).

[18] Hom. 9 *in Cant.* (Migne, *Patr. graec.* 44, 971).

[19] Ep. 108, n. 20 (Migne, *Patr. lat.* 22, 898).

[20] Μεσότης ἡ ἀρετή, ὑπερβολὴ κακία.

[21] *S. theol.* 1, 2, q. 64, a. 1.

463. Mean of reason and mean of the thing. Every moral virtue consists in the mean of reason; but the virtue of justice, besides the mean of reason, additionally requires the mean of the thing.[22] The reason for this is that other virtues, such as chastity, sobriety, magnificence, etc., are occupied with internal passions, which cannot be measured physically and mechanically but only proportionally to the subject and the object. Hence, for example, the passion of anger which in such circumstances is moderate and virtuous, in other circumstances and especially in other men is immoderate and sinful. Therefore in any case reason in these virtues must determine what is moderate and what is immoderate, with attention given to the circumstances of person, place, time, etc. Wherefore, for example, one who, laboring under a grave typhoid fever, takes a great quantity of alcoholic liquor, indeed foreseeing the drunkenness that will follow from this, but intending only to recover health, does not wound the virtue of temperance, nor does he sin. The reason is that he takes the drink according to the right judgment of reason. - The matter is otherwise in justice, which is not directly occupied with passions but with exterior actions, namely of rendering to each what is his. This each one is bound to do without any respect to the diverse conditions of persons. Hence, for example, whoever has stolen 100 francs must also restore 100 francs. Hence in the virtue of justice not only the mean of reason is to be observed, but also the mean of the thing.

Billuart rightly observes:[23] "The mean in justice is not called the mean of the thing as if it were not the mean of reason. It [justice] indeed has from its specific account that it is the mean of the thing, but it has from the general account of virtue that it is also the mean of reason: both because nothing is more conformed to reason than to establish equality between right and debt, and because the act of justice, like the act of the other virtues, must be regulated by prudence and right reason, so that it be placed in due place and time, with right intention and other due circumstances; hence if someone, for example, paid a debt prematurely with detriment to himself or with a sinister intention, he would indeed satisfy the precept of restitution, but he would not exercise an act of justice, except only materially. It must be observed besides that in justice the mean or equality of the thing is twofold: one, namely, of quantity to quantity, which commutative justice makes, for instance by rendering twenty for twenty; the other, of proportion to proportion, which distributive justice makes, so that if to one having merit for four ten are given, then to another having merit for two five are given."

Note. The theological virtues of themselves and by reason of the object do not consist in a mean; hence we can never love God too much, or believe in him or hope in him too much. But per accidens,[24] especially by reason of ourselves, these virtues too necessarily consist in a mean, insofar as according to true prudence, that is, with time, mode, and other fitting circumstances observed, we must attend to acts of the theological virtues. Hence at an inopportune time, which ought, for example, to be spent on family matters, it is not licit to give oneself to the contemplation of divine truths.

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[22] Ib. 2, 2, q. 58, a. 10.

[23] *De pass. et virt.* a. 4, § 1.

[24] Cf. *S. theol.* 1, 2, q. 64, a. 4, and 2, 2, q. 17, a. 5 ad 2.

§ 2. On The Connection Of Virtues

464. All moral virtues are connected. Already St. Augustine, writing to St. Jerome, said: "That point concerning the inseparability of virtues ... pleased all philosophers.[25] Certainly from this they persuade: that he who has had one virtue has all, and that all are lacking to one to whom one has been lacking, because prudence cannot be cowardly, nor unjust, nor intemperate; for if it were any of these, it would not be prudence. Moreover, if prudence will then be, if it is also brave and just and temperate, certainly where it is, it has the others with it. So also fortitude cannot be imprudent, or intemperate, or unjust; so it is necessary that temperance be prudent, brave, and just; so justice does not exist unless it is prudent, brave, and temperate. Thus where any one of them is true, the others likewise are; but where the others are lacking, that one is not true, even if in some way it seems to be similar."[26] Other Holy Fathers speak in a similar way, such as St. Ambrose,[27] St. Gregory the Great,[28] who forcefully and most truly says: "One virtue without the others either is altogether nothing or is imperfect," and nearly all the Scholastics against Blessed Albert the Great[29] and the Scotists.[30] - Before this doctrine concerning the connection and concatenation of virtues is proved, it must be noted beforehand: here the matter concerns only acquired moral virtues, and those existing in a perfect state. For it is certain:

1. Intellectual virtues are not connected either among themselves or with the other virtues. For he who has one science or art does not therefore know all the others,[31] nor does he have all moral virtues.
2. Theological virtues are not necessarily connected among themselves. For the Council of Trent[32] defines: "If anyone says that grace once lost through sin, faith also is always lost together with it, or that the faith which remains is not true faith, ... let him be anathema." But faith and hope existing without charity are called unformed and imperfect virtues, but by divine mercy they are left to the sinner so that he himself can more easily be converted again to God.
3. All infused moral virtues are connected among themselves, because they are effects of sanctifying grace, together with which all are infused, and together with which, when it perishes, all perish.[33]
4. Some dispositions, whether innate or acquired, toward this or that moral virtue can be present, although the other moral virtues do not exist perfectly in man.[34] Thus, for example, a man can be wholly given over to the vice of lust, and consequently lack the virtue of chastity altogether, who nevertheless is merciful toward the poor or just in selling and contracts. But those acts of mercy or justice do not proceed from the perfect virtue of charity or justice, but only from some more or less perfect disposition.
5. If one virtue is in man in a perfect way, it does not yet follow from this that all the others are also present in the same degree. Thus, for example, if a poor man through long exercise has acquired the virtue of meekness in the highest degree, it does not yet follow that he has in the same degree the virtue of liberality, which perhaps he has never been able to exercise on account of his poverty. Nevertheless he has that virtue "in disposition of soul," because when the case occurs and the possibility exists he is also greatly disposed to exercising that virtue.[35]

With these things noted beforehand, let this be:

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[25] Cf. Aristotle, *Ethic.* l. 6, c. ult.

[26] Migne, *Patr. lat.* 33, 735. In Ep. 167, however, St. Augustine seems to derive the connection of virtues rather from supernatural charity than from prudence.

[27] *Expos. in Luc.* l. 5, n. 63 (Migne, *Patr. lat.* 15, 138).

[28] *Moral.* l. 22, c. 1.

[29] 3 *Sent.*, dist. 36, q. 1, a. 1.

[30] Cf. Billuart, *De virtut.* a. 4, § 2.

[31] Cf. *S. theol.* 1, 2, q. 65, a. 1 ad 3.

[32] Sess. 6, can. 28 *de iustif.* (Denz. n. 838).

[33] Cf. *S. theol.* 1, 2, q. 65, a. 3.

[34] Cf. ib. a. 1.

[35] Cf. ib. q. 66, a. 2.

465. Proposition: Acquired moral virtues are so connected that, if one is present in a perfect state, all the others are present; but if there is present a vice opposed to one moral virtue, then no other perfect moral virtue is in such a man.

It is proved. Neither perfect moral virtue without prudence, nor perfect prudence without the other moral virtues, exists in man. Therefore perfect moral virtues are necessarily connected with prudence, and consequently also among themselves; but all are destroyed if even one gravely vicious habit has destroyed one opposed virtue.

The individual points are explained: a) Perfect moral virtue is not given without prudence, for no moral virtue can exist unless it observes the mean, that is, unless it equally avoids excess and defect, as was said above. Hence moral virtue is also defined by Aristotle: an elective habit consisting in a mean. But to determine in what the mean consists belongs to prudence; wherefore Aristotle adds in the definition cited: "as the wise man, that is, the prudent man, will have determined." The same is clear by daily experience. For it not rarely happens that some man repeatedly exercises works objectively very virtuous, for example works of mortification, and nevertheless by no means acquires the corresponding virtue, chiefly because prudence is lacking in the exercise of such works.

b) Next, true and perfect prudence cannot exist in a man who is given over even to one vice directly opposed to some virtue. For although the virtue of prudence is not lost through one or another sinful act, for example a virtuous man who from a sudden temptation commits a grave sin against chastity does not thereby yet lose either prudence or the other acquired virtues; nevertheless he who by repeated acts has acquired a vicious habit, for example of lust, has also lost the virtue of prudence and all the other acquired virtues. For how can someone still be called truly prudent who again and again acts against reason? For a vicious habit is against right reason. - But if someone given over to some vice lacks the true virtue of prudence, how can he always and perfectly exercise acts of the other virtues, for example justice, fortitude, and temperance, when so many temptations and difficulties occur in the continual exercise of virtues? - We indeed concede that a man given over to vice can exercise one or another virtuous act, indeed even that he can have certain imperfect virtues; but it is impossible for such a man to have even one perfect virtue, since for any perfect virtue there are required perfect prudence and a firm will always and in every event to do those things which are right.

466. Corollary. From what has been said it follows that prudence and the other virtues depend on one another, but in a different way. Prudence depends on the other virtues as on a necessary disposition; or, the other virtues dispose most excellently for having and exercising prudence. Hence the Psalmist says: "I have understood above the ancients, because I have sought thy commandments."[36] On the contrary, vices very

greatly cloud reason and render man like the horse and mule, which have no understanding.[37] Hence also we have seen from history that magnates, indeed even emperors, went to holy men for the sake of asking counsel even in earthly matters; for example, the duchess of Brabant consulted St. Thomas, and St. Antoninus was accustomed to give counsels with such great prudence that he was called "Antoninus of counsels." - But the other virtues depend on prudence as on a directing cause. For prudence sets before them suitable means for attaining their proper ends and guards lest they be corrupted either through excess or through defect. Wherefore prudence is completive of all moral virtues and their form.[38]

[36] Ps. 118, 100.

[37] Cf. Ps. 31, 9.

[38] Cf. *S. theol.* 2, 2, q. 166, a. 2 ad 1; 3, dist. 27, q. 2, a. 4, sol. 3.

§ 3. On The Inequality Of Virtues

Virtues are not equal, as the Stoics, Cicero, and Seneca wished.[39] The reason is that virtues are acquired habits, which can be increased or diminished and which, compared among themselves, are not of the same excellence. The whole doctrine concerning the inequality of virtues can be stated in the following propositions:

[39] Cf. *S. theol.* 1, 2, q. 66, a. 1.

467. 1. Virtues considered in themselves are unequal.

The reason is that one virtue has a nobler object than another. But the diverse virtues obtain this order among themselves:

The theological virtues and the other infused virtues obtain the highest degree, because they directly dispose man to the supernatural end. But simply the highest degree among all virtues is obtained by charity, of which St. Paul says: "And now there remain faith, hope, charity, these three; but the greatest of these is charity."[40]

After the infused virtues, the intellectual virtues obtain the second degree on the part of the object. For "that virtue is nobler which has a nobler object. But it is manifest that the object of reason is nobler than the object of the appetite.... Hence, speaking simply, intellectual virtues, which perfect reason, are nobler than moral virtues, which perfect the appetite." Thus St. Thomas,[41] who nevertheless immediately adds: "But if virtue is considered in order to act, in this way moral virtue, which perfects the appetite, whose part it is to move the other powers to act, is nobler."

The moral virtues obtain the third degree, and especially the cardinal virtues, among which prudence obtains the first place, justice the second, fortitude the third, temperance the fourth. For prudence is the guide of all the virtues and perfects the intellect, which is a nobler faculty than the will and the sensitive appetite. But justice comes after prudence; this is clear both from its object and from its subject. The object or matter of justice is operations by which man is ordered not only in himself but also to another; and these operations are nobler than the restraints of passions, to which fortitude and temperance apply themselves. But the subject in which justice resides is the will, which certainly obtains the second place among the powers of the soul, namely after the intellect. After justice comes fortitude, which resides in the irascible appetite as in its subject and is occupied with fear in arduous things. Last comes temperance in the concupiscible appetite, which is occupied with restraining the lowest passions, namely concerning the appetite for foods and venereal things, which is common to man and brutes.[42]

[40] 1 Cor. 13, 13; cf. *S. theol.* l. c. a. 6.

[41] *S. theol.* l. c. a. 3.

[42] Cf. ib. a. 4.

468. 2. Moral virtues in diverse men can be unequal.

The reason is that one man is better disposed to virtues than another, either a) because of greater habituation, or b) because of a better disposition of nature, or c) because of a more perspicacious judgment of reason, or d) because of a greater gift of grace, which is given to each one "according to the measure of the giving of Christ," as St. Paul says.[43] From these things already said the error of the Lutherans teaching that all men are equally holy is refuted. Wherefore against them the Council of Trent defined that the just, in the very justice received through Christ, faith cooperating, grow through good works and are justified more.[44] For if inequality exists in supernatural habits, a similar inequality in natural acquired virtues is fitting.

[43] Eph. 4, 7; cf. *S. theol.* l. c.

[44] Sess. 6, c. 10 and can. 24 *de iustif.* (Denz. n. 803 and 834).

469. 3. Moral virtues in the same man can be unequal according to diverse times, that is, they can be increased or diminished.

For just as virtues are acquired by repeated acts and are increased through continual exercise, so also they are diminished or even totally removed through cessation from acts or through opposed vices. Against several authors St. Thomas[45] teaches that habits, and therefore also acquired virtues, are not increased by any acts whatsoever, even remiss ones, but only by intense acts. For just as a musician or painter who exercises his art remissly or negligently does not advance, but rather gradually declines, so also he who negligently performs acts of virtues, for example one who negligently says prayers, does not advance in virtues, but on the contrary gradually loses them.[46] That moral virtues in the same man can be diminished or even removed according to diverse times is clear by daily experience. This indeed happens either from cessation of acts or from repeated contrary acts. For if someone long ceases from acts of virtues, the impediments of acting grow step by step and contrary habits are induced; but if he often indulges contrary acts, a contrary vice gradually arises. Thus if someone who until now has been sparing in food and drink repeatedly commits excesses in eating and drinking, he will gradually contract the vices of gluttony and drunkenness.

[45] *S. theol.* 1, 2, q. 52, a. 3.

[46] Note. It is one thing to grow in acquired virtues, another to grow in merit. For all good acts, even remiss ones, if they are done in the state of sanctifying grace, merit an increase of grace and glory; but this merit proceeds rather from sanctifying grace than from the human act.

470. 4. Moral virtues, even at the same time, are not equal among themselves in the same man; for some are greater, but others lesser.

The reason is that these virtues are increased through continual exercise. Moreover, someone can exercise himself more in one virtue than in another. Besides, someone can, from his natural character itself, be more disposed to one virtue than to another; and finally God can give special graces for some special virtue and not others.[47] Hence also we see diverse saints to have excelled in diverse virtues, for example St. Francis in poverty, St. Dominic in apostolic zeal, etc.

[47] *S. theol.* 1, 2, q. 56, a. 2. Cf. above n. 464 c.

§ 4. On the duration of virtues

471. Moral virtues endure after this life as to their formal element, but not as to their material element.

It suffices to bring forward what St. Thomas has on this matter:[48] "In virtues of this kind there is something formal and something as it were material. The material element, indeed, in these virtues is a certain inclination of the appetitive part toward passions or operations according to some mode. But because this mode is determined by reason, therefore the formal element in all virtues is the very order of reason. Thus, therefore, it must be said that moral virtues of this kind do not remain in the future life as to that which is material in them; for in the future life concupiscences and pleasures of foods and venereal things will have no place; nor also fears and daring acts concerning dangers of death; nor also distributions and exchanges of things, which come into the use of the present life. But as to that which is formal, they will remain most perfectly in the blessed after this life; inasmuch as the reason of each one will be most right concerning those things which pertain to him according to that state; and the appetitive power will be moved wholly according to the order of reason in those things which pertain to that state. Hence Augustine says that 'prudence will be there without any danger of error; fortitude without the trouble of evils to be endured; temperance without the resistance of lusts; so that it belongs to prudence to prefer or equal no good to God, to fortitude to adhere to him most firmly, to temperance to be delighted by no harmful defect.' But concerning justice it is manifest what act it will have there, namely to be subject to God; because even in this life it pertains to justice to be subject to a superior."

After this life the theological virtue of charity indeed remains, but not faith nor hope.[49]

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[48] *S. theol.* 1, 2, q. 67, a. 1.

[49] Cf. ib. 2, 2, q. 18, a. 2.

Chapter III. On the infused virtues and their properties

We divide this chapter into two articles: 1. on the existence and essence of the infused virtues; 2. on their properties.

Article I. On the existence and essence of the infused virtues

472. Thesis. It is proximate to faith that, together with sanctifying grace, the theological virtues of faith, hope, and charity are infused; but the most common opinion of theologians holds that, in addition, all the moral virtues and the gifts of the Holy Spirit are infused.

1. The existence of the theological virtues is clearly intimated in Sacred Scripture, e.g.: "The charity of God is poured forth in our hearts by the Holy Spirit, who has been given to us";[50] "For God has not given us the spirit of fear, but of power and of love and of sobriety."[51] - Moreover, the Council of Trent[52] declared: "In justification itself, together with the remission of sins, man receives all these things at once infused through Jesus Christ, into whom he is inserted: faith, hope, and charity," and defined: "If anyone says that men are justified either by the sole imputation of the justice of Christ, or by the sole remission of sins, excluding grace and charity, which is poured forth in their hearts by the Holy Spirit and inheres in them ... let him be anathema."[53] Since these words, "poured forth," "inheres," so clearly express that faith, hope, and charity are given not through a transitory act, but through a permanent

habit, several theologians, e.g. Vega,[54] Suarez,[55] Ripalda,[56] Benedict XIV,[57] judge that the existence of the infused theological virtues is of faith. Yet because the Council does not expressly speak of virtues or permanent habits, it is therefore better said that this is only proximate to faith. For the rest, all theologians, old and more recent, unanimously teach that infused theological virtues exist. Only Peter Lombard, the Master of the Sentences, wishes charity not to be a virtue, but the Holy Spirit himself, who directly and without a mediating habit moves us to acts of charity.[58]

472. 2. The existence of the infused moral virtues was not absolutely denied except by a few older authors, e.g. Scotus,[59] Durandus, Biel, Ockham, etc. But in the thirteenth century several doubted whether not only in the justification of an adult man, but also in the baptism of infants, virtues were infused together with grace.[60] The reason for doubting was that those virtues then seem to be altogether superfluous, since infants are incapable of the use of them. Nevertheless the Council of Vienne (1311) declared: "But we, considering the general efficacy of the death of Christ, which through baptism is applied equally to all the baptized, have thought that the second opinion, which says that informing grace and the virtues are conferred in baptism on little ones as well as on adults, as more probable and more consonant and accordant with the sayings of the saints and of modern doctors of theology, with the sacred Council approving, should be chosen."[61] - There is added the authority, certainly great, of the Roman Catechism,[62] which teaches: "To this [sanctifying grace], however, is added the most noble company of all the virtues, which are divinely infused into the soul together with grace."

Finally a reason of fittingness can be added. The greatest analogy exists between the natural order and the supernatural order; for grace does not corrupt nature, but elevates it. Moreover, in the natural order man needs diverse habits and moral virtues in order to act well, promptly, and delightfully. Therefore, by parity, the same must be said in the supernatural order, to which man is elevated through sanctifying grace, which as it were deifies the soul. Therefore, besides sanctifying grace, supernatural habits are required, and indeed first habits which dispose the soul well concerning the ultimate end itself, i.e. the theological virtues. Then supernatural habits disposing man concerning suitable means for obtaining the ultimate end are required; these supernatural habits are the infused moral virtues.[63]

Today the existence of infused moral virtues is denied by no theologian. There are as many infused moral virtues as there are acquired moral virtues. Thus teaches the truer and more common opinion.[64]

The intellectual virtues, since they are not necessary for leading a moral and supernatural life, are not infused together with sanctifying grace; nevertheless sometimes they are conferred as graces gratis given, e.g. the grace of tongues. - Concerning the gifts of the Holy Spirit, which are infused together with grace, it has already been said above, n. 445.

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[50] Rom. 5, 5.

[51] 2 Tim. 1, 7.

[52] Sess. 6, c. 7 *de iustif.* (Denz. n. 800).

[53] Sess. 6, can. 11 *de iustif.* (Denz. n. 821).

[54] *In Trid.* l. 7, c. 24.

[55] *De gratia* l. 6, c. 8, n. 14.

[56] *De ente supern.* disp. 120, n. 18 sqq.

[57] *De serv. Dei beatif.* l. 3, c. 21, n. 13.

[58] See the refutation of this error in *S. theol.* 2, 2, q. 23, a. 2.

[59] *In* 3, dist. 36, q. 1, n. 28, § "Licet de istis."

[60] Cf. *S. theol.* 3, q. 69, a. 6.

[61] Denz. n. 483.

[62] Pars 2 *de sacr. bapt.* c. 2, q. 39.

[63] Cf. *S. theol.* 1, 2, q. 63, a. 3, and the Commentaries of Cajetan and Sylvius on this article.

[64] Salmant., *Curs. S. theol. de virtut.* disp. 3, dub. 1, n. 18.

473. 3. **The essence of infused virtues.** The Augustinian definition given above explains the essence of the infused virtues. For infused virtue is a good quality of the mind, by which one lives rightly, which no one uses badly, and which God works in us without us. Hence infused virtue is caused in us by a divine act, namely by the infusion of sanctifying grace, without man in any way being able by his own natural acts to merit this infusion. For just as man cannot merit sanctifying grace, so also he cannot merit infused virtues.

a) **Infused virtues are consequents of sanctifying grace.** This indeed is certain for infused moral virtues and for charity, but concerning the infused virtue of faith and hope several theologians, such as Cajetan and Bannez,[65] Medina,[66] Suarez,[67] Schilling[68] and others, teach that the habit of faith and hope is sometimes infused before the habit of charity, and therefore before sanctifying grace; for these authors think that a heretic or catechumen can be sufficiently disposed for the habit of faith and hope before he is disposed for charity. For just as faith and hope (unformed) are conserved without sanctifying grace in a Catholic sinner, so they can be produced without sanctifying grace in a catechumen. But this opinion is deservedly rejected with St. Thomas,[69] who asserts that the habits of all the virtues are infused together. For the Council of Trent teaches:[70] "In justification itself, together with the remission of sins, man receives all these things at once infused through Jesus Christ, into whom he is inserted: faith, hope, and charity." The same is clear from the Roman Catechism, which calls the virtues the company of grace and teaches that they are infused together with grace.[71] But nothing prevents man without sanctifying grace, even before baptism, from eliciting acts of faith with the help of actual grace; and in this sense the Holy Fathers and St. Thomas are to be understood when speaking of him "who receives faith from God without charity."[72]

b) **Infused virtues really differ from sanctifying grace.** Theologians dispute whether infused virtues are really distinct from sanctifying grace, or rather are sanctifying grace itself insofar as it is ordered to acts. St. Thomas,[73] all Thomists, such as Cajetan, Medina, Soto, and very many others, e.g. Valentia, Suarez, Kleutgen, Scheeben, Gopfert, and others, affirm the real distinction. But Alexander of Hales, Durandus, Scotus, Vega, Lessius, Bellarmine, and others deny the difference at least between charity and grace (although they concede that grace differs from the other virtues). The Thomistic opinion is not only by far the more common, but also the truer. For the Council of Trent, the Council of Vienne, and the Roman Catechism speak of grace and charity as of distinct things.[74] Moreover, just as our soul is distinguished from its powers, so sanctifying grace, which is received in the essence of the soul, must be distinguished from the infused virtues, which are subjected in the powers of the soul.[75]

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[65] *Comm. in* 2, 2, q. 6, a. 2.

[66] *Comm. in* 1, 2, q. 62, a. 4.

[67] 3, t. 3, disp. 28, sect. 3.

[68] *Moraltheologie* I, § 40.

[69] *S. theol.* 1, 2, q. 62, a. 4; 3, q. 85, a. 6.

[70] Sess. 6, c. 7 *de iustif.* (Denz. n. 800).

[71] Cf. above n. 472.

[72] *S. theol.* 2, 2, q. 6, a. 2 ad 3.

[73] Ib. q. 110, a. 3 and 4, and in other places.

[74] Cf. the places cited above.

[75] Cf. *S. theol.* 1, 2, q. 110, a. 4 ad 1.

474. c) **Infused virtues are specifically distinguished from their respective acquired virtues.** For although the material object, e.g. of the virtue of acquired temperance and of infused temperance, is one and the same, namely the moderate use of food, nevertheless the rule moderating that object is one thing in acquired temperance and another in infused temperance. For the rule of acquired temperance is right reason, commanding moderation in food and drink, not only lest health be ruined, but also that the whole concupiscible appetite may be well ordered; but the rule of infused temperance is the divine law, which commands that man chastise his body and bring it into servitude, in order more securely to attain heavenly beatitude. Speaking generally, infused virtues direct all things to a supernatural end; but acquired virtues directly intend a natural good. The Angelic Doctor says fittingly: "And in this way also the infused moral virtues differ in species, through which men are well disposed in order to this, that they may be citizens of the saints and members of the household of God; and the other acquired virtues, according to which man is well disposed toward human affairs."[76]

d) **Infused virtues cause the power, but not the (extrinsic) facility, of performing supernatural acts.** Just as sanctifying grace residing in the essence of the soul elevates it to a higher nature, so infused virtues elevate the powers of the soul for placing supernatural acts. Since acquired virtues procure facility in acting, infused virtues cause the very power of acting supernaturally in the present condition of things. E.g. without the virtue of temperance a man could, although with difficulty, perform acts of sobriety; but without the virtue of faith a man would be unequal to eliciting acts of true faith. But since infused virtues give the power indeed, yet not the (extrinsic) facility[77] of eliciting virtuous acts, therefore even the justified man having these virtues not rarely suffers great labors in the exercise of them, especially if before he was given over to vices. Therefore it is necessary that infused virtues be assisted by acquired virtues, not indeed intrinsically, because the natural habit of acquired virtues cannot intrinsically perfect the supernatural habit of infused virtues, but extrinsically, insofar as they remove obstacles, namely perverse inclinations and disordered concupiscence. With obstacles of this kind removed, infused virtues begin also to act easily and promptly and to produce excellent meritorious works.

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[76] *S. theol.* 1, 2, q. 63, a. 4.

[77] A twofold facility of acting is distinguished, namely intrinsic and extrinsic. Intrinsic consists in the proneness which belongs to the faculty itself toward its proper act. Extrinsic facility arises from the removal of external obstacles which impede the act. Infused virtues indeed confer intrinsic facility of acting, because they elevate and strengthen the natural force of the power; but not extrinsic facility, because external obstacles remain, e.g. inveterate contrary habits (cf. St. Thomas, *De virtut. in com.* a. 10 ad 14).

Article II. On the properties of infused virtues

Besides the four properties which are common to infused and acquired virtues,[78] three are enumerated which are special to infused virtues, namely: 1. infused virtues are intrinsically increased together with sanctifying grace; 2. they perish together with sanctifying grace (except the virtues of faith and hope); 3. they cannot directly be diminished.

[78] Cf. above n. 462.

475. 1. **Infused virtues are intrinsically increased whenever sanctifying grace is increased.**

It is established that sanctifying grace is increased: a) by the worthy reception of the sacraments and b) by any meritorious works de condigno. - That infused virtues truly can increase is manifestly clear from Sacred Scripture. St. Paul writes to the Romans: "May the God of hope fill you with all joy and peace in believing, that you may abound in hope and in the power of the Holy Spirit";[79] to the Corinthians: "We have come even as far as you in the Gospel of Christ, ... having hope of your increasing faith";[80] to the Philippians: "This I pray, that your charity may abound more and more."[81] Hence the Church itself prays: "Almighty everlasting God, give us an increase of faith, hope, and charity."[82] For the rest, all theologians agree about the possibility and even about the fact of the increase of infused virtues; but they are by no means in agreement concerning the mode of that increase. Since, however, their disputes are almost of no utility and bring in no certainty, we omit them here.[83] If it is already most difficult to say how plants and other natural things grow, how much more difficult will it be to assign how infused virtues, which are supernatural things, are increased.[84]

[79] Rom. 15, 13.

[80] 2 Cor. 10, 14 and 15.

[81] Phil. 1, 9.

[82] 13th Sunday after Pentecost.

[83] Cf. Billuart, *De caritate* diss. 2.

[84] Cf. *S. theol.* 2, 2, q. 24, a. 4 ad 3, and art. 5 ad 3.

476. 2. **All infused virtues are lost (except the virtues of faith and hope) through mortal sin.**

Charity perishes through mortal sin, which destroys the very foundation of charity, namely sanctifying grace, concerning which the Council of Trent defined:[85] "It must be asserted that not only by infidelity, through which even faith itself is lost, but also by any other mortal sin, although faith is not lost, the grace of justification received is lost." But that, with sanctifying grace lost, the virtue of faith does not yet perish by that very fact, is certain by faith, as is clear from the same Council of Trent.[86] The same holds concerning hope, since the same reason is operative for each virtue.[87] Hence sinners can have true (although unformed) virtues of faith and hope, which God out of infinite mercy left in their hearts after sin had been committed. For those having faith and hope are converted to God much more easily than unbelievers, who either never had faith or lost it. Nevertheless that faith, because it is dead, by no means suffices for obtaining justification, as the Protestants wished. Hence St. Paul says: "And if I should have all faith, so that I could remove mountains, but have not charity, I am nothing";[88] and St. James asserts: "What shall it profit, my brethren, if a man says that he has faith, but has not works? Shall faith be able to save him?"[89] Therefore St. Augustine says beautifully:[90] "Without charity, indeed, faith can exist, but it cannot also profit." The virtue of faith is lost through the sin of infidelity, as is clear from the Council of Trent cited above. But the reason is that through voluntary infidelity the formal object by which of faith is destroyed, as will be said more fully below, n. 494. Just as faith is lost by the sin of infidelity, so hope is lost by an act of despair. For the same reason obtains.

That infused moral virtues are lost from the loss of sanctifying grace is the common doctrine of theologians. For these virtues are as it were properties founded upon sanctifying grace. But if the foundation falls, it is necessary that also all things which are built upon it collapse.

[85] Sess. 6, c. 15 *de iustif.* (Denz. n. 808).

[86] Sess. 6, can. 28, cited above n. 464 b.

[87] Cf. *S. theol.* 1, 2, q. 71, a. 4. Hence the following proposition of Quesnel was condemned: "Everything is lacking to the sinner when hope is lacking to him; and there is no hope in God where there is no love of God" (Denz. n. 1407).

[88] 1 Cor. 13, 2.

[89] Jas. 2, 14.

[90] *De trinit.* lib. 15, c. 18, n. 32 (Migne, *Patr. lat.* 42, 1083).

477. 3. **Infused virtues cannot directly be diminished.**

Thus the most common opinion, to which almost Dionysius the Carthusian alone[1] seems to have contradicted. The reason is that such a diminution could not happen except either through venial sin or through cessation from acts of the virtues. For through mortal sin these virtues are not diminished, but taken away, as has been said. Moreover, infused virtues cannot be diminished a) through cessation from acts. For just as these virtues were not caused by human acts, but from divine infusion alone, so neither are they diminished through cessation from acts. Nor also b) through venial sins. For venial sin does not reach those virtues, because venial sin is only a certain disorder about the appetite of temporal good, without the intention of the ultimate end being injured thereby; but infused virtues are occupied about the supernatural ultimate end. - Moreover, if those virtues could be diminished by venial sins, then by many venial sins they would at length sometime be totally consumed, which is certainly false, since nothing except mortal sin can destroy infused virtues.[2]

Hence it follows that, if two men, e.g. having charity and infused virtues in degree 100, die, one of whom departs without venial sin, the other however with ten venial sins, both obtain the same degree of glory in heaven. Certainly he who passes from this world with ten venial sins must first go into purgatory, but afterward he will enjoy the same beatitude as the other existing without venial sin, because he has the same degree of charity.

Nevertheless in a certain indirect way infused virtues are diminished by venial sins, insofar as those sins heap up many and grave impediments, lest acts of virtues can easily be elicited. For from them arise disordered passions, which darken the intellect and weaken the will in the exercise of good works.[3]

Scholion. Concerning charity, insofar as it is the mother, queen, and form of all the virtues, and especially insofar as the whole state of perfection or religious state is founded upon perfect charity, discussion will occur below in the appendix on spiritual perfection.

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[1] In Suarez, *De gratia* l. 11, c. 8, n. 6.

[2] Cf. De Rubeis, *De caritate* c. 31.

[3] Cf. Muller, *Theol. mor.* I, § 119, and Chr. Pesch, *Praecl. dogm.* VIII, n. 93 sqq.

Tract VII. On theological faith and the opposed vices

Order of things to be said. Since we have treated of the virtues in general, it is now necessary to treat of the individual virtues in particular. The theological virtues obtain the primacy among all the virtues, as was proved above, n. 467; and therefore one must first treat of the theological virtues. Among the theological virtues in the order of generation (but not in the order of dignity) the first is the virtue of faith; hence first we shall treat of faith, then of hope, and last of charity. After the treatise on the theological virtues, the treatise on the moral virtues will follow.

Cf. St. Thomas, *S. theol.* 2, 2, q. 1-16; St. Alphonsus, *Theol. mor.* II 1-19; Lugo, *Tract. de fide*; Billuart, *Tract. de fide*; Bouquillon, *De virtutibus theol.*, 1890; Schiffini, *De virtut. infusis*, 1904; Noldin, *De praecept.* pars I.; Gopfert, *Moraltheol.* I, §§ 44-48; Mausbach, *Moraltheol.* II, §§ 3-11.

We divide the treatise on theological faith into three chapters, namely: 1. on the nature of faith, 2. on the necessity of faith, 3. on the vices opposed to faith.

Chapter I. On the nature of theological faith

478. Various meanings of the word faith. In Sacred Scripture and in theology the word faith is taken in many and diverse senses; yet all of these can be reduced to two classes, namely, either they are referred to the will, or they designate acts or habits of the intellect.

Insofar as faith expresses a certain perfection or act of the will, three acceptations especially are to be noted:

1. **Fidelity in promises.** In this sense it is used by St. Paul: "Will their unbelief make void the faith of God? God forbid. But God is true."[4]
2. **The promise itself.** Thus St. Paul rebukes widows "because they have made void their first faith";[5] for they vowed chastity, but did not keep the vow.
3. **The estimation of probity.** Thus, for example, it is said: "He who lays bare the secrets of a friend loses faith, and will not find a friend according to his mind."[6]

But insofar as faith is referred to the intellect, three acceptations likewise occur chiefly:

1. **Conscience.** Thus St. Paul says: "Everything that is not from faith is sin."[7] Concerning this acceptation it was already said above, n. 307, in the treatise on conscience.
2. **Veracity** (credibility). Thus it is said: "Faith has perished and has been taken away from their mouth";[8] and in almost the same sense a certain article in the Code of Law is superscribed: "On the faith of instruments."[9]
3. **The revealed truths themselves.** In this sense it is said: "You have not denied my faith";[10] and in the Athanasian Creed: "Whosoever wishes to be saved, before all things it is necessary that he hold the Catholic faith," i.e. the Catholic truths.

Having left all these acceptations aside, faith is still taken in two ways, of which our concern in the present treatise is greater, namely: 1. faith is the habit by which we give assent or believe on account of the authority

of the one speaking. If the one speaking, whom we believe, is man, there is human faith; but if that one speaking is God himself, then there is divine or theological faith.[11] 2. Protestants, when speaking of salvific faith, take the word faith for a firm trust by which someone thinks he has seized the merits of Christ.[12] By this faith alone, or trust without works, Protestants think a man is justified. The falsity of this opinion is shown below, n. 480.

Real definition. Especially a twofold definition of theological faith is given, one from St. Paul, the other from the Vatican Council.

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[4] Rom. 3, 3 sq.

[5] 1 Tim. 5, 12.

[6] Ecclus. 27, 17.

[7] Rom. 14, 23.

[8] Jer. 7, 28.

[9] c. 1812-1818.

[10] Apoc. 2, 13.

[11] Authors usually distinguish between divine and Catholic faith, simply divine faith, and ecclesiastical faith. Divine and Catholic (or public) faith is revelation made to the whole Church and extends to all dogmas defined by the Church. Simply divine (or private) faith is private revelation and extends to particular divine revelations which someone certainly had and therefore must believe, e.g. the revelations of St. Bridget. Ecclesiastical faith is that which must be given to those truths which are taught by the Church, but not as dogmas of faith, e.g. theological conclusions. For the rest, these expressions are not accepted by all in the same sense. The first who used the terminology "ecclesiastical faith" seems to have been the Archbishop of Paris, Péréfixe, in 1764. (Cf. Marin-Sola, *L'évolution du Dogme catholique* n. 230.)

[12] Thus, e.g. Reinhold Seeberg (*Lehrbuch der Dogmengeschichte* II 239) explains Luther's opinion: "Faith is thus not a theoretical holding-for-true, but it is the practical confidence that we ourselves, through Christ's work, are in grace with God."

479. Definition of St. Paul: "Faith is the substance of things to be hoped for, the evidence of things not appearing."[13] St. Thomas[14] observes concerning this definition: "All other definitions, whatever are given concerning faith, are explanations of this one which the Apostle sets down." Indeed this Pauline definition has not been proposed in philosophical form, but it can easily be reduced to this form under these words: Faith is a habit of the mind, by which eternal life is begun in us (the substance of things to be hoped for), causing our intellect firmly to assent to things not appearing (evidence is the same as firm conviction).

Definition of the Vatican Council: "Faith is a supernatural virtue by which, with the grace of God inspiring and assisting, we believe the things revealed by him to be true, not because of the intrinsic truth of the things, seen by the natural light of reason, but because of the authority of God himself revealing, who can neither be deceived nor deceive."[15]

For explaining these two definitions more fully, one must treat separately of the act and of the habit or virtue of faith.

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[13] Hebr. 11, 1.

[14] *S. theol.* 2, 2, q. 4, a. 1.

[15] Conc. Vatic. sess. 3, Const. *de fide cath.* c. 3 (Denz. n. 1789).

Article I. On the act of theological faith

Definition. The act of faith is a supernatural, firm, and free assent given to revealed truths on account of the authority of God speaking, or, as St. Thomas says:[16] "an act of the intellect assenting to divine truth by the command of the will moved by God through grace." By these words there is indicated concerning the act of faith 1. the subject, 2. the object, 3. the properties, concerning which we shall treat in separate paragraphs.

[16] *S. theol.* 2, 2, q. 2, a. 9.

§ 1. On the subject of the act of faith

480. By the name of subject we here understand either a) the power which proximately and formally elicits the act of faith, or b) the persons who are able to elicit the act of faith. The power is the proximate subject, but the persons are the remote subject.

a) **The proximate subject of the act of faith is the speculative intellect**[16*] or: The act of salutary faith is an act of the intellect, namely it is an assent given to truths. This doctrine is against Protestants teaching that faith is trust; this was condemned in the Council of Trent:[17] "If anyone says that justifying faith is nothing else than trust in the divine mercy remitting sins on account of Christ, or that this trust alone is that by which we are justified, let him be anathema." That faith is an act of the intellect is manifestly taught in Sacred Scripture, which says concerning salutary faith: "Without faith it is impossible to please God; for he who comes to God must believe that he is, and is a rewarder to those who seek him."[18] But to believe is manifestly an act of the intellect. Moreover Sacred Scripture clearly says that faith is not trust, but rather its cause and foundation. Thus, e.g. it is said: "In whom we have trust and access in confidence through his faith";[19] and: "For those who have ministered well will acquire for themselves a good degree and much confidence in the faith which is in Christ Jesus."[20] All the Fathers unanimously teach the same doctrine.[21] Let one be heard, St. Augustine: "To believe itself is nothing other than to think with assent ... everyone who believes thinks; and in believing thinks, and in thinking believes."[22] St. Thomas[23] teaches concerning this matter: "To believe is immediately an act of the intellect, because the object of this act is the true, which properly pertains to the intellect. And therefore it is necessary that faith, which is the principle of this act, be in the intellect as in its subject."

Note. The force of the will in the act of faith. Although the act of faith is formally and immediately an act of the intellect, nevertheless the will also has a great part in it; for not only must the will move the intellect to the exercise of the act, as it moves in any act of the intellect (for the will moves even to the act of science); but in addition the will must command the very assent in the act of faith. For the object of faith, or the things to be believed, are not evident in themselves and therefore do not compel the intellect to assent, as natural truths do (e.g. that twice two are four), but are truths obscure for us, exceeding our natural capacity. Notwithstanding this obscurity, the will moved by divine grace commands assent in the act of faith. Therefore St. Thomas teaches: "Faith is not in the intellect except insofar as it is commanded by the will; hence although that which is on the part of the will can be called accidental to the intellect, nevertheless it is essential to faith."[24] Indeed: "In the knowledge of faith the will has the principal place; for the intellect assents through faith to those things which are proposed to it, because it wills, and not because it is necessarily drawn by the very evidence of the truth."[25]

In order that this proposition, which is of such great importance, may be understood more clearly, it is useful to recall certain things from philosophy concerning the acts of our intellect. Among the acts of our intellect the first is the simple apprehension of an object. The second act is judgment, or assent, by which we affirm or deny something concerning the object apprehended. Thus by simple apprehension we know a triangle; but by

judgment we assert that the three angles of a triangle equal two right angles. With respect to the object of judgment, the intellect can stand in many ways; for it can be ignorant, doubt, suspect, assent. But the intellect offers assent plainly and perfectly to some proposition in three ways:[26]

1. Because, when the subject and predicate of the proposition are known, immediately it appears true, e.g. thus the intellect assents to this proposition: The whole is greater than its part; for once the notions of whole and part are had, it is at once necessarily understood that the whole is greater than its part. An act of the intellect of this kind is called intellectual vision.
2. Because some proposition is evidently and necessarily deduced from principles known through themselves. Thus the intellect assents to conclusions evidently deduced from certain principles, e.g. the three angles of a triangle are equal to two right angles. Although this conclusion is not evident in itself to the intellect, it is nevertheless evident on account of the necessary connection with principles evident in themselves. Such an act of the intellect is called science, and the assent following from it is necessary.
3. Because some proposition, although it is evident neither in itself nor in its principles, is announced to us by some competent and trustworthy person. Before the intellect assents to that proposition, it must perceive: a) the knowledge and veracity of the one testifying; b) the fact of the testimony. This twofold knowledge produces the judgment of credibility. The act of the intellect assenting to truths of this kind is called faith. Since the truth of such propositions is not evident in itself, the intellect does not assent to them necessarily, but it is necessary that the will accede, commanding assent. And therefore faith is rightly called a commanded assent.[27]

From this necessary influence of the will it follows that the act of faith is most free and meritorious. On the other hand, since, notwithstanding the obscurity of the object, the assent of faith must be most firm, supernatural divine grace is required for giving the act of faith; whence St. Paul says: "For by grace you are saved through faith, and this not from yourselves; for it is the gift of God."[28] Below, n. 487 sqq., discussion will return concerning the firmness, freedom, and supernaturalness of faith, when the properties of faith are treated.

b) **The remote subject of faith, i.e. the persons who can elicit the act of faith, are:** a) all men living on this earth, except formal heretics and unbelievers.[29] For formal heretics deny the infallibility of the Church, which is a dogma of faith; and therefore they hold that some dogma can be false and that not all revealed things are true. But this is to destroy the formal object by which of faith and faith itself (cf. 327). b) The souls in purgatory, since they still lack the beatific vision.

The angels and the blessed in heaven do not have faith, because they see God face to face.[30] Nor also do demons or the damned have faith (at least theological faith).

[16*] *De verit.* q. 14, a. 4.

[17] Sess. 6, can. 12 *de iustif.* (Denz. n. 822).

[18] Hebr. 11, 6.

[19] Eph. 3, 12.

[20] 1 Tim. 3, 13.

[21] See testimonies in Bouquillon, *Tract. de virtut. theol.* p. 19 sq.

[22] *De praed. sanct.* c. 2, n. 5 (Migne, *Patr. lat.* 44, 963).

[23] *S. theol.* 2, 2, q. 4, a. 2.

[24] *De verit.* q. 14, a. 3 ad 10.

[25] *Contra Gent.* l. 3, c. 40.

[26] In opinion there is indeed also assent of the mind, but not perfect assent (cf. *S. theol.* 2, 2, q. 2, a. 1).

[27] Cf. *S. theol.* 1, 2, q. 17, a. 6.

[28] Eph. 2, 8.

[29] *S. theol.* 2, 2, q. 5, a. 3.

[30] Ib. a. 1.

481. Scholion. On the modernistic concept of faith. The Modernists (Myers, James, G. Lansing Reymond), following some Protestants, such as Schleiermacher, Jacobi, Strauss, etc., think that faith is some sense of religion or act of the subconscious. This falsity must be abjured by all who take the anti-modernist oath by mandate of Pius X: "I most certainly hold and sincerely profess that faith is not a blind sense of religion breaking forth from the hidden places of the subconscious under the pressure of the heart and the inclination of the will morally informed."

§ 2. On the object of the act of faith

Preliminary note. A threefold object is usually distinguished, namely material, formal which (it is also called the subject or object of attribution), and formal by which, or under which.

The material object is everything about which a power, habit, or act is occupied.

The formal object which is that which is first and per se attained by a power, habit, or act, and by reason of which all other things are attained.

The formal object by which, or under which, is that by means of which the formal object which is attained; - e.g. the material object of the visual power is all corporeal things; the formal object which is color, because that which the eye first perceives is color; the formal object by which is light, because no thing can be seen unless it is illuminated.

482. Proposition 1. The formal object which, or object of attribution, of faith is the First Truth in being, or God himself as exceeding natural reason (but not God as he can be known by natural reason, e.g. in Theodicy). Thus is the unanimous opinion of theologians.

It is proved. That is the formal object which of some act or habit which is principally attained by it, and by reason of which all other objects are attained. But the first truth, or God, is that which is first and principally attained by faith; but all other things, such as the humanity of Christ, the efficacy of the sacraments, eternal retribution, etc., are believed in order to God. Therefore God as God is the formal object which, or of attribution, of faith.

The same can also be shown in this way: The beatitude of man consists in the vision of the divine essence, or of God as he is in himself; but faith is already the beginning of that beatitude ("the substance of things to be hoped for," as St. Paul says). Therefore faith must be occupied first and principally about the very essence of God.[31]

[31] St. Thomas writes to the point: "If we consider materially the things to which faith assents, it is not only God himself, but also many other things, which nevertheless do not fall under the assent of faith except insofar as they have some order to God; namely insofar as, through some effects of divinity, man is aided toward tending into divine fruition. And therefore also from this side the object of faith is the first truth, insofar as nothing falls under faith except in order to God, just as also the object of medicine is health, because medicine considers nothing except in order to health" (*S. theol.* 2, 2, q. 1, a. 1).

483. Proposition 2. The formal object by which, or under which, or the internal motive of faith, is the authority of God revealing, or the first truth in speaking.

This doctrine is drawn from Sacred Scripture; it has always been handed down by the Holy Fathers and by the Scholastics; and it has been defined by the Vatican Council. Every Christian, when asked why he believes, immediately answers: because the articles of faith are the word of God revealing. Therefore the proposition is proved:

1. **From Sacred Scripture.** St. Paul says: "Therefore faith comes from hearing, and hearing through the word of Christ";[32] and Christ himself says: "I confess to you, Father, Lord of heaven and earth, because you have hidden these things from the wise and prudent, and have revealed them to little ones."[33] Hence St. Paul, praising the faith of the Thessalonians, writes: "Therefore we also give thanks to God without ceasing, because when you had received from us the word of the hearing of God, you received it not as the word of men, but, as it truly is, the word of God, who works in you who have believed."[34]
2. **From the authority of the Holy Fathers and Doctors.** Let the single testimony of St. Thomas stand for all:[35] "In faith, if we consider the formal reason of the object, it is nothing other than the first truth. For faith, of which we are speaking, assents to something only because it is revealed by God. Hence faith rests upon the divine truth itself as upon its medium."
3. **From the Vatican Council:** "If anyone says that divine faith is not distinguished from natural knowledge about God and moral things, and therefore that for divine faith it is not required that revealed truth be believed on account of the authority of God revealing, let him be anathema."[36]

Since, therefore, the act of faith is assent on account of the authority of God revealing, it follows that the formal object by which, or the intrinsic motive of faith, is constituted by a twofold truth, namely: God is infallible in knowing and speaking, and: God has revealed this thing.[37] Man ordinarily knows the fact of revelation through the proposition of the Church; yet this proposition does not enter into the formal object by which of faith. For true divine faith can be had without the proposition of the Church, namely through private divine revelations granted to some saints, e.g. the Patriarchs, Prophets, Apostles. Hence also, when the Church dogmatically defines a thing previously disputable, e.g. the immaculate conception of the Blessed Virgin Mary, it does nothing other than authentically remove doubt concerning the fact of divine revelation already existing for a long time. Therefore the proposition of the Church is indeed the rule, but not the intrinsic motive of divine faith.

Proposition 3. The material object of faith is everything truly and formally revealed by God.

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[32] Rom. 10, 17.

[33] Matt. 11, 25.

[34] 1 Thess. 2, 13.

[35] *S. theol.* 2, 2, q. 1, a. 1.

[36] Sess. 3, can. *de fide cath.* 3, 2 (Denz. n. 1811).

[37] See Chr. Pesch, *Prael. dogm.* t. VIII, prop. 13.

484. It is proved. The material object of some act or habit is everything which is attained by that act or habit, and indeed under the light of the formal object by which. But God has revealed and proposes to us to be believed, first, himself and his perfections, and besides many other things. Therefore all these revealed things pertain to the material object of faith. The Vatican Council[38] designated the material object of faith in these words: "By divine and Catholic faith all those things are to be believed which are contained in the written or handed-down word of God and are proposed by the Church, whether by solemn judgment or by the ordinary and universal magisterium, to be believed as divinely revealed." - By solemn judgment (of an ecumenical council or of the Roman Pontiff speaking ex cathedra),[39] dogmatic definitions themselves (e.g. the Immaculate Conception of the Blessed Virgin Mary), but by the universal magisterium also other truths (e.g. the eternity of the punishments of hell), are proposed to us to be believed. All and only those things are the object of faith which have certainly been revealed by God. Therefore every divine word is the object of faith.

A twofold revelation is usually distinguished: one formal, the other virtual. Something is formally revealed either a) explicitly, when namely it has been announced to us by God in conceived and clear words, e.g. the Trinity of divine persons; or b) implicitly, when it has not indeed been said by God in express words, but nevertheless is formally and without discourse included in another truth certainly revealed. Thus, e.g., it has been explicitly revealed that Christ assumed a true human nature; implicitly contained in this revelation is that Christ had a body and a soul. All those things which are revealed either explicitly or implicitly are contained under the material object of divine faith.

Virtual revelation is occupied about the so-called theological conclusions, which are deduced by discourse properly so called from two premises, of which one is of faith, the other is certainly known from human reason.

Theologians unanimously teach that the credible object is constituted by formal revelation, whether explicit or implicit. The reason is that revealed truths of this kind are truly the word of God. But theologians are by no means in agreement whether virtual revelation also suffices for this, that some truth be believed by divine faith (even previously to a definition of the Church perhaps supervening). Melchior Cano,[40] Vasquez,[41] Ripalda,[42] Maurus,[43] and others teach the affirmative opinion. Suarez,[44] Lugo,[45] the Salmanticenses,[46] and commonly Thomists teach the negative opinion. This opinion indeed seems to be better, because for establishing such a theological conclusion there concur both divine revelation and human reason. Therefore the motive of believing it is not the divine authority alone, but also the authority of human reason. But the object of faith is believed from divine authority alone.[47] If, however, the Church by her infallible magisterium has defined something virtually revealed, e.g. the immortality of the soul, then certainly that is to be believed by divine faith.

In particular cases formal revelation is often distinguished with difficulty from virtual revelation. Thus, e.g., theologians do not agree whether the following propositions are formally revealed, and therefore to be believed by divine faith:

1. This Supreme Pontiff (Pius XI) has been legitimately elected successor of St. Peter in the primacy and therefore is infallible.
2. This man born and not yet baptized is in original sin.
3. This baptized infant is in the state of sanctifying grace.

For the rest, in practice controversies of this kind bring little utility, since the cited propositions and other similar ones are altogether certain, indeed also to be believed by ecclesiastical faith; and without doubt he would sin gravely who pertinaciously denied them.

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[38] Sess. 3, Const. *de fide cath.* c. 3 (Denz. n. 1792).

[39] Cf. Cod. iur. can. c. 1323.

[40] *De loc. theol.* l. 6, c. 8 ad 10, § "Sed id postremo," and l. 12, c. 5 near the end.

[41] *In* 1, disp. 5, c. 3, n. 6-8.

[42] *De fide* disp. 8, sect. 3, n. 44.

[43] 3, q. 140, n. 7.

[44] *De fide* disp. 3, sect. 11, n. 7.

[45] *De fide* disp. 1, sect. 13, n. 258 and 261.

[46] *De fide* disp. 11, dub. 4, n. 144.

[47] Cf. Chr. Pesch, *Prael. dogm.* VIII, n. 258 sqq.

485. Scholion 1. On symbols and on the profession of faith. As appears from the words of the Vatican Council just cited, the whole object of faith is contained in the written and handed-down word of God, or in Sacred Scripture and in Tradition; but this whole divine revelation was handed over to the Church to be guarded and explained, and therefore it is called the deposit of faith; a brief but authentic summary of it is contained in diverse symbols and in the so-called professions of faith. Symbol by force of the name signifies collection or token (συμβολή or σύμβολον). A symbol of faith was necessary so that faith could more easily be proposed to all and known by all. There are indeed several symbols of faith, but three are more principal: 1. the Apostles' Symbol, which now is usually divided into twelve articles; this division was not always in use, whence St. Thomas[48] divides it into fourteen articles and indicates another division as secondary. 2. The second more principal symbol, which is called by St. Thomas the symbol of the Fathers, is the Niceno-Constantinopolitan, because it was begun by the Fathers in the Council of Nicaea and enlarged in the Council of Constantinople (it is usually said in the Mass). 3. The third is called Athanasian, although more probably it was composed not by St. Athanasius but by a Latin author toward the end of the fifth century. It begins "Whosoever wishes to be saved." - To the symbols there have been added professions of faith, of which the more celebrated is that which, against the heresies of Luther and Calvin, was prescribed by Pius IV and afterward enlarged by Pius IX, and is still in use before the reception of sacred orders and of several ecclesiastical offices.[49]

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[48] *S. theol.* 2, 2, q. 1, a. 6.

[49] Cf. below n. 506.

486. Scholion 2. On the analysis and genesis of the act of faith. Just as chemical analysis is the dissolution of some body into its elements, so the analysis of faith is the resolution of it into its ultimate principles. The ultimate and essential principle of the act of faith is its formal object by which, or its intrinsic motive. Therefore theologians ask what is the ultimate reason why we believe; for it is certain that the formal object of faith is the authority of God revealing. Moreover, how can we know that God has truly revealed some truth? If someone said: from Sacred Scripture or from the proposition of the Church, immediately the question returns: Whence do we know that Sacred Scripture contains genuine divine revelation, or that the

Church is infallible in proposing articles of faith? We must answer: Because God has revealed it so. Therefore we would have a manifest vicious circle. For solving this difficulty, now for several centuries several responses, and those by no means agreeing among themselves, have been thought out. Alois Schmid[50] enumerates more than forty diverse opinions. - In so great a diversity of opinions, of which none is certain, and which there is no time to enumerate, it suffices briefly to note the following:

Before faith there is prerequired certain knowledge of the authority of God and of the fact of revelation. This knowledge is usually called the preambles of faith,[51] because it precedes faith and can be acquired by the natural light of reason. The fact of revelation must necessarily be known before someone can elicit the act of faith. For how could someone believe some truth as divinely revealed, unless he first certainly knew that God truly revealed this truth?

486. Hence proposition (21) was condemned by Innocent XI: "The supernatural assent of faith, and useful for salvation, stands with only probable knowledge of revelation, indeed with fear by which someone fears lest God has not spoken."[52] According to the ordinary mode of revelation, the fact is usually known through instruction received from parents and teachers, and especially through the proposition of the Church.

Moreover the so-called "motives of credibility" can be known by natural reason. The motives of credibility are, chiefly, miracles and prophecies, and the Church herself. The Vatican Council writes to the point:[53] "In order that the obedience of our faith might be consonant with reason, God willed that, with the internal helps of the Holy Spirit, there be joined external arguments of his revelation, namely divine facts, and especially miracles and prophecies, which, since they clearly show God's omnipotence and infinite knowledge, are most certain signs of divine revelation and accommodated to the understanding of all. Wherefore both Moses and the Prophets and most of all Christ the Lord himself produced many and most manifest miracles and prophecies, and concerning the Apostles we read: 'But they, going forth, preached everywhere, the Lord working with them and confirming the word by the signs that followed ...'[54] Moreover, the Church even by herself, namely on account of her admirable propagation, eminent sanctity, and inexhaustible fruitfulness in all good things, on account of Catholic unity and unconquered stability, is a certain great and perpetual motive of credibility and an irrefragable testimony of her divine legation. By this it happens that she herself, as 'a sign lifted up among the nations,'[55] both invites to herself those who have not yet believed, and makes her sons more certain that the faith which they profess rests upon a most firm foundation."

Nevertheless all these motives of credibility, although they cause faith to be reasonable, nevertheless do not pertain to the internal and specifying motive of it; for they can be understood by natural reason, and therefore can beget nothing except a purely natural act and merely natural certainty. Moreover, the certainty of faith must be supernatural. Therefore all motives of credibility are only something extrinsically attracting, but not something intrinsically and efficaciously and sufficiently inducing one to give the firm assent of faith. But that which intrinsically and efficaciously causes the assent of faith is divine grace, which God bestows according to his good pleasure. St. Thomas[56] clearly and briefly expresses this truth in this way: "As to the assent of man to those things which are of faith, a twofold cause can be considered: one indeed inducing externally, such as a miracle seen, or the persuasion of a man inducing to faith; neither of which is a sufficient cause. For of those seeing one and the same miracle and hearing the same preaching, some believe and some do not believe. And therefore it is necessary to posit another interior cause, which moves man interiorly to assenting to those things which are of faith. But the Pelagians posited this cause to be only the free choice of man; and on account of this they said that the beginning of faith is from us; namely insofar as from us it is that we are prepared to assent to those things which are of faith, but the consummation of faith is from God, through whom there are proposed to us those things which we ought to believe. But this is false; because since man, by

assenting to those things which are of faith, is elevated above his own nature, it is necessary that this be in him from a supernatural principle moving interiorly, which is God. And therefore faith as to assent, which is the principal act of faith, is from God moving interiorly through grace." From this doctrine of the Angelic Doctor it appears lucidly how great is the influence both of grace and of the will in the assent of faith.

486. Hence the same holy Doctor says: "Although that which is on the part of the will can be called accidental to the intellect, nevertheless it is essential to faith."[57] For "the intellect of one believing is determined to one thing, not by reason, but by the will, and therefore here assent is taken for an act of the intellect according as it is determined by the will to one thing."[58] Indeed he says: "But in the knowledge of faith the will has the principal place; for the intellect assents through faith to those things which are proposed because it wills, and not because it is necessarily drawn by the evidence itself of the truth."[59] From all these things it can also be understood why many, although they are endowed with the best talent and have the most efficacious motives of credibility, nevertheless do not believe; for good will is lacking to them, and therefore grace also is lacking. From this likewise it shines forth why all Christians are bound to pray to God that he increase and conserve faith in their hearts, since it does not depend on natural powers to conserve or increase this virtue.

Therefore the genesis of the act of faith is this: Man, from instruction, preaching, study, or other means, understands that God exists and that he has revealed several truths, which indeed are found in Sacred Scripture or in Tradition. That all these truths have truly been revealed by the most truthful God is manifested to man by the so-called motives of credibility (*credenditatis*). The notions which man acquires up to this point do indeed prepare, but in no way enter into the supernatural act of faith itself. With these things presupposed, God mercifully bestows upon a man rightly disposed the light of faith, or grace, which a) illuminates the intellect for sufficiently knowing the object both material and formal by which of faith; b) principally implants in the will the pious affection of credulity, by which there is commanded to the intellect a most firm assent to truths, although still obscure and imperfectly known.

From what has been said, we briefly respond to the very celebrated controversy concerning the ultimate analysis of the act of faith in this way: The objective motive of the act of faith is the authority of God revealing, not known but believed. But this objective motive is believed most firmly, yet freely, on account of the supernatural light of faith, which both moves the will and illuminates the intellect; or in other words: The assent of faith is resolved formally into the authority of God revealing, dispositively into the motives of credibility, directively into the authority of the Church proposing, effectively into supernatural grace, which flows into the intellect and will. The whole difficulty in this analysis seems to have arisen because many theologians did not sufficiently notice that the act of faith is born not from discourse but from simple understanding. - If the genesis and analysis of the act of faith is perceived thus, already all difficulties seem to vanish, and the act of faith remains totally supernatural both on the part of the object and on the part of the principle.[60]

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[50] *Untersuchungen über den letzten Gewissheitsgrund des Offenbarungsglaubens* (1879).

[51] The preambles of faith are taken by some authors for all things which precede the act of faith; but better, with St. Thomas (*S. theol.* 1, q. 2, a. 2 ad 1), they are restricted to those things "which can be known about God through natural reason," and which are usually the object of Theodicy.

[52] Denz. n. 1171.

[53] Sess. 3, Const. *de fide cath.* c. 3 (Denz. n. 1790, 1794).

[54] Mark 16, 20.

[55] Is. 11, 12.

[56] *S. theol.* 2, 2, q. 6, a. 1.

[57] *De verit.* q. 14, a. 3 ad 10.

[58] *S. theol.* 2, 2, q. 2, a. 1 ad 3.

[59] *Contra gent.* l. 3, c. 40.

[60] Whoever desires more on the analysis of faith should go to Wilmers, *De fide divina libri quattuor*, prop. 13, 69-80, or Alois Schmid, *Untersuchungen* etc., or Garrigou-Lagrange, *De revelatione* l. 1, c. 14, a. 3. Older authors have little on this controversy; from the sixteenth century onward certain theologians treated this matter more than was due.

§ 3. On the properties of faith

The properties of faith are not enumerated in the same way by different theologians; some enumerate more, some fewer. But among all the properties of faith the following four seem to be more principal: supernaturalness, freedom, infallibility, firmness or constancy, each of which must be briefly explained. These properties belong not only to the act, but also to the habit of faith.

487. 1. **The supernaturalness of faith.** That the act of faith is supernatural on the part of the object and on the part of the objective motive (or on the part of the formal object which and by which) has already been sufficiently said above; it remains that we show that it is also supernatural on the part of the principle. That the act of faith is entirely supernatural, so that it cannot be elicited except from the powers of grace, is proved:

a) Very many texts of Sacred Scripture manifestly announce this: "This is the work of God, that you believe in him whom he has sent."[61] "For by grace you are saved through faith, and this not from yourselves; for it is the gift of God."[62]

b) This truth has been defined several times in Councils, especially in the Second Council of Orange:[63] "If anyone says that without the grace of God mercy is divinely conferred on us when we believe ... but does not confess that it happens in us that we believe ... through the infusion and inspiration of the Holy Spirit; and either subjects the help of grace to human humility or obedience, and does not agree that it is the gift of grace itself that we are obedient and humble, he resists the Apostle saying: 'What do you have that you have not received?'[64] and 'By the grace of God I am what I am.'"[65] - But the Vatican Council[66] expressly says: "Faith is a supernatural virtue by which, with grace assisting and inspiring, ... we believe. ... No one can consent to the evangelical preaching as is necessary for obtaining salvation without the illumination and inspiration of the Holy Spirit, who gives to all sweetness in consenting to the truth." But the grace which is necessary for faith is referred both to the intellect and to the will; or it is the illumination of the intellect and the motion of the will. This grace elevates the intellect by means of the light of faith, that it may assent to truths exceeding its capacity; it heals and strengthens the will, that it may induce the intellect to assent firmly to truths which for practical life not rarely demand fairly hard sacrifices; for true faith is that which works the works of all the virtues. Therefore theological faith is a special gift of God, which can in no way be acquired by natural powers.

c) The same can easily be proved by theological reason: For "faith is the beginning of human salvation, the foundation and root of all justification."[67] Moreover, it is impossible that man by merely natural powers place the beginning of supernatural salvation. For natural powers cannot produce a supernatural effect. Hence the Council of Trent[68] defined: "If anyone says that without the prevenient inspiration of the Holy Spirit and his assistance man can believe ... as he ought, so that the grace of justification may be conferred on him, let him be anathema."

[61] John 6, 29.

[62] Eph. 2, 8.

[63] Can. 6 (Denz. n. 179).

[64] 1 Cor. 4, 7.

[65] 1 Cor. 15, 10.

[66] Sess. 3, Const. *de fide cath.* c. 3 (Denz. n. 1789, 1791).

[67] Conc. Trid. sess. 6, c. 8 *de iustif.* (Denz. n. 801).

[68] Sess. 6, can. 3 *de iustif.* (Denz. n. 813).

488. 2. **The freedom of faith.** Here we are not treating of moral freedom, as if no moral obligation existed of eliciting acts of faith; for it is certain that man is wholly bound, and indeed by necessity of means, to elicit acts of faith, as we shall prove below, n. 495. We are speaking at present of physical freedom; this indeed is twofold, namely freedom of exercise, consisting in the possibility of turning thought away from the object considered; and freedom of specification, consisting in the possibility of doubting about the truth to be believed, indeed even of denying it. But now it is certain that the act of theological faith is free not only by freedom of exercise, but also by freedom of specification. (Hermes alone seems to have taught the contrary.[69])

a) For in Sacred Scripture those not believing are reproved, believers are praised, the faithful are rewarded; all these things show that the act of faith is something free; for no one is reproved or punished for acts which he cannot avoid. Let only one or another text be brought forward here: "Going into the whole world, preach the Gospel to every creature. He who believes shall be saved; but he who does not believe shall be condemned."[70] "He who believes in him is not judged; but he who does not believe is already judged, because he does not believe in the name of the only-begotten Son of God."[71]

b) The same is clear from Councils; e.g. the Council of Trent[72] teaches: "They are disposed to justice when, awakened and assisted by divine grace, conceiving faith from hearing, they are freely moved toward God, believing those things to be true which have been divinely revealed and promised"; and the Vatican Council[73] says: "Its act [namely of faith] is a work pertaining to salvation, by which man gives free obedience to God himself, by consenting to and cooperating with his grace, which he could resist," and:[74] "If anyone says that the assent of Christian faith is not free, but is produced necessarily by arguments of human reason, let him be anathema."

c) The Angelic Doctor writes to the point:[75] "The assent of science is not subject to free choice, because one who knows is compelled to assent by the efficacy of the demonstration; and therefore the assent of science is not meritorious. But the actual consideration of a thing known is subject to free choice; for it is in man's power to consider. ... But in faith each is subject to free choice, and therefore as to each the act of faith can be meritorious."

d) The intrinsic reason why the assent of faith has freedom, both of exercise and of specification, is that the object of faith is not something evident, but something obscure, as being "the evidence of things not appearing." But what is obscure does not compel the intellect to assent; therefore it would not assent unless it were induced to this by the free will. Although the truths of faith which we believe are in themselves obscure and inevident, or as the Vatican Council[76] says, "covered by a veil and wrapped in a certain as it were darkness," nevertheless they are evidently credible on account of the extrinsic motives of credibility; hence the Psalmist says: "Your testimonies have been made exceedingly credible."[77]

[69] Cf. *Christkath. Dogmatik* 3. Teil (Münster 1834), § 28 s. Hermes distinguishes faith of cognition (*Vernunftglaube*) from faith of the heart (*Herzensglaube*). The former is necessary, but not the latter.

[70] Mark 16, 15 sq.

[71] John 3, 18.

[72] Sess. 6, c. 6 *de iustif.* (Denz. n. 798).

[73] Sess. 3, Const. *de fide cath.* c. 3 (Denz. n. 1791).

[74] Ib. can. 5 (Denz. n. 1814).

[75] *S. theol.* 2, 2, q. 2, a. 9 ad 2.

[76] L. c. c. 4 (Denz. n. 1790).

[77] Ps. 92, 5.

489. 3. **The infallibility of faith.** This property follows from the quality of the formal object by which, which is the veracity of God revealing. For God is supreme truth, which can neither deceive nor be deceived. Moreover, the magisterium of the Church, which proposes to us the truths to be believed, and divine grace, which illuminates us and moves us to assent, can in no way lead us into error; hence Richard of St. Victor[78] could truly say: "Lord, if there is error [in faith], we have been deceived by you."

From this complete infallibility of faith there follow three corollaries, namely:

a) That an appreciatively most firm assent, or most perfect certainty, is begotten in the mind of the believer. Certainty is the state of a mind firmly adhering to some truth without any fear of erring. Certainty admits degrees, not indeed on the part of fear of erring, since any true certainty excludes every fear of erring, but on the part of adhesion; for a man can adhere to one truth more firmly than to another. Faith is more certain than every natural cognition by reason of adhesion.[79]

b) Since the firmness of the assent of faith depends on grace illuminating the intellect and moving the will, in diverse men the firm adhesion of faith is not equal, but is diverse according to the diverse fervor by which each one, with grace assisting, elicits acts of faith.[80]

c) He who has rightly embraced the right Catholic faith can never have sufficient reasons for falling away from or even doubting about the faith; therefore not only heresy, but also voluntary doubt about some revealed truth is a grave sin. Discussion will return concerning doubt in faith below, n. 520.

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[78] *De Trin.* l. 1, c. 2 (Migne, *Patr. lat.* 196, 891).

[79] Cf. St. Thomas, *De verit.* q. 14, a. 1 ad 7, and *S. theol.* 2, 2, q. 4, a. 8.

[80] *S. theol.* 2, 2, q. 5, a. 4.

490. 4. **The firmness or constancy of faith.** St. Paul admonishes "that henceforth we be no more little children tossed to and fro and carried about with every wind of doctrine in the wickedness of men, in craftiness unto the circumvention of error."[81] Therefore Christian faith must be so firm and constant that man is prepared to lose life rather than faith. All the Martyrs of every age and sex have given wonderful examples of constancy in the profession of faith, e.g. St. Agnes, St. Lawrence, St. Peter Martyr.

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[81] Eph. 4, 14.

491. Scholion. On the divisions of faith. After the nature of faith has been briefly set forth, as by way of a crown certain divisions of faith, which are sometimes brought forward by authors, are added here. Therefore

there are distinguished:

1. **Explicit faith and implicit faith.** To believe something explicitly is to believe it known in particular and according to its proper terms; but to believe something implicitly is to believe it as contained in another, as in a universal principle explicitly known.[82] All are bound to believe explicitly, e.g. the existence of a personal God. But uneducated men believe the individual articles of faith implicitly, although they do not know them clearly; for they believe whatever the Catholic Church proposes to be believed.
2. **Formal faith and virtual or exercised faith.** An act of faith is formally elicited when someone explicitly gives assent to some revealed truth, e.g. by reciting the Apostolic Symbol. But someone virtually elicits an act of faith when he indeed performs another act which nevertheless includes a profession of faith, e.g. when someone, by genuflecting before the altar, manifests his faith concerning the presence of the Eucharistic Christ.
3. **Formed faith (perfect, living) and unformed faith.** Faith is called formed or living when it is joined with supernatural charity, or with the state of sanctifying grace. But if that charity is lacking, faith is called unformed.

Besides these divisions, another division is assigned by some authors, namely faith properly so called and faith broadly so called. Faith properly so called is that which we have explained up to this point; but faith broadly so called is that which does not rely upon the testimony of positive divine revelation, but which is a cognition of God existing and rewarding, acquired by natural powers and possessed perfectly with the help of actual grace. We shall prove in the following chapter, n. 498, that such faith broadly so called by no means suffices for obtaining salvation.

Several modern authors in addition bring forward other distinctions of faith, e.g. divine faith, Christian faith, Catholic faith, theological faith, etc. For moral practice all these divisions are of little utility, since ordinarily there is not given except one salvific faith, namely Catholic faith. Under the name of divine faith these authors understand that faith which was had in the Old Testament and which is had by certain saints who receive private revelations. Christian faith is that which was handed down to us through Christ. Catholic faith is the dogmas which are proposed by the Catholic Church as divinely revealed. Finally, theological or supernatural faith is opposed to natural or human faith. For the rest, as was already said above, these expressions are not taken in the same sense by diverse authors; therefore confusions must diligently be avoided.

[82] Cf. St. Thomas, *De verit.* q. 14, a. 11.

Article II. On the virtue of theological faith

After those things which were said above, n. 472 sq., concerning the infused virtues in general, few things remain to be added concerning the infused virtue of faith. - The infused virtue of faith resides in the intellect, since the act of faith is to believe, which indeed certainly is elicited by the intellective power. But a habit perfects that power which elicits acts. - Besides the intellectual habit, by which the act of faith is immediately elicited, an infused habit is required in the will for eliciting the act of pious credulity, or for commanding the assent of the intellect. The reason is that, for perfectly producing some act which proceeds from two principles, it is required that each principle be endowed with a habit perfecting it. St. Thomas writes to the point:[83] "To believe is an act of the intellect, according as it is moved by the will to assenting. But an act of this

kind proceeds from the will and the intellect; each of which is apt to be perfected by a habit. And therefore it is necessary that there be some habit both in the will and in the intellect, if the act of faith ought to be perfect."

[83] *S. theol.* 2, 2, q. 4, a. 2.

492. The existence of the virtue of faith in justified adults must be held by faith; but the existence of the same virtue of faith in baptized infants is altogether certain. The first part of this proposition is clear from the Council of Trent,[84] which says: "In justification itself, together with the remission of sins, man receives all these things at once infused through Jesus Christ, into whom he is inserted: faith, hope, and charity." The other part of the proposition is clear from the Council of Vienne cited above, n. 472.

Controversy. Among theologians it is disputed[85] whether the virtue of faith can sometimes be infused before the first sanctifying grace, e.g. whether catechumens eliciting acts of faith with the help of actual grace already have the virtue of faith before baptism and sanctifying grace. There are three opinions. The first affirms. Thus Cajetan, Bannez, Medina, Sylvius.[86] For the same opinion Wilmers[87] cites Suarez, Vasquez, Valentia, Turrianus, Coninck (he himself holds it more probable). - The second opinion denies; Lugo,[88] Durandus, Bonaventure, Scotus, Viva, Platel, Kilber, cited by Wilmers,[89] hold it. This opinion seems better, because the first opinion seems to have no solid foundation either in Sacred Scripture or in the Councils, which on the contrary teach that the virtues are infused together with grace.[90] - The third opinion teaches that the virtue of faith is infused in baptism received with an obstacle. Thus Dominic Soto.[91] This opinion entirely lacks a solid argument.

Unformed faith. The virtue of faith remains in a Christian sinner, provided, however, that he has not committed the grave sin of infidelity. Discussion will occur later concerning the loss of the virtue of faith through the sin of infidelity. That the virtue of faith remains in a Christian sinner is defined as of faith against Protestants thinking that man is justified by faith alone.[92] The Council of Trent[93] defined: "If anyone says that, when grace has been lost through sin, faith is always also lost at the same time; or that the faith which remains is not true faith, although it is not living; or that he who has faith without charity is not a Christian, let him be anathema." But the reason is that faith, even as to the habit, does not depend necessarily on the habit of grace, since it is not compared to grace as a property necessarily joined with it, as charity is, but as a foundation of the Christian life, which can remain when the building of grace has been destroyed.[94] Faith, which remains in the sinner after grace has been destroyed, is called unformed faith, because charity is the form of faith, insofar as it orders the act of faith to the ultimate end and renders it meritorious of eternal life.[95] Moreover, when grace has been destroyed, charity also is necessarily destroyed, and therefore the form of faith. Such faith is indeed called dead by St. James;[96] nevertheless it is true faith and does not differ essentially from faith formed by charity. For "a habit is diversified according to that which pertains per se to the habit. But since faith is a perfection of the intellect, that pertains per se to faith which pertains to the intellect. But that which pertains to the will does not pertain per se to faith, so that through this the habit of faith could be diversified. But the distinction of formed and unformed faith is according to that which pertains to the will, that is, according to charity, but not according to that which pertains to the intellect. Hence formed and unformed faith are not diverse habits." Thus St. Thomas.[97] But if sometimes the name of virtue is denied to unformed or dead faith, perfect virtue is to be understood, since faith is truly not perfect except through charity.[98]

[84] Sess. 6, c. 7 *de iustif.* (Denz. n. 800).

[85] Cf. above n. 473.

[86] *Comm. in S. theol.* 2, 2, q. 3, a. 2.

[87] *De fide divina* prop. 34.

[88] *De fide* disp. 16, sect. 2.

[89] L. c.

[90] Cf. above n. 473.

[91] *De natura et gratia* c. 8.

[92] "It must be taught that if saints ... fall into manifest sins, such as adultery, etc., they shake off faith ... and both faith and the Holy Spirit are absent from them." Thus in the Smalcald Articles.

[93] Sess. 6, can. 28 *de iustif.* (Denz. n. 838).

[94] Cf. Gonet, *De fide* disp. 8, a. 2, n. 27.

[95] Cf. *S. theol.* 2, 2, q. 4, a. 3.

[96] Jas. 2, 17.

[97] L. c. a. 4.

[98] Ib. a. 5 ad 3.

493. The increase of the virtue of faith is not only possible, but holy Church also asks for it when she prays: "Give us, Lord, an increase of faith, hope, and charity."[99] The supernatural virtue of faith is increased together with sanctifying grace. For just as faith is infused with that grace, so also it is increased with it. A man constituted in sanctifying grace, from repeated acts of supernatural faith, e.g. repeated acts of faith in the Eucharistic Christ, at length acquires facility in eliciting acts of this kind. Nevertheless such facility, which in some sense can be called a habit, more probably is not a supernatural habit, but a natural one. For the same reason obtains concerning the increase and the production of a habit. But by our acts we are not able to produce the supernatural habit of faith. Therefore neither are we able (at least directly) to produce an increase of the same supernatural habit. Therefore by good acts done in the state of grace we merit the increase of grace and faith; but by acts of faith often and fervently elicited we acquire in addition facility in eliciting acts of this kind, but this facility is a natural habit.[100]

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[99] Cf. Conc. Trid. sess. 6, c. 10 *de iustif.* (Denz. n. 803).

[100] Whoever desires more on this question, more speculative than practical, should go to Lugo, *De fide* disp. 16, n. 69 sqq.

494. The loss of the supernatural virtue of faith happens through the sole act of infidelity or formal heresy, which is a mortal sin. Thus the certain opinion against Durandus. Hence the Council of Trent[101] says: "It must be asserted that not only by infidelity, through which even faith itself is lost, but also by any other mortal sin, although faith is not lost, the grace of justification received is lost." But the reason is that he who pertinaciously denies one article of faith destroys the formal object by which of faith. But when the formal object is destroyed, the whole habit must be destroyed. The formal object of faith is the authority of God revealing, as has been said. But he who knowingly denies one article of faith says at least implicitly that God is not infallible or truthful, and therefore he now has no faith. But if nevertheless he assents to other revealed truths, his assent is not founded upon the authority of God revealing, but upon another motive, and therefore that assent is not the assent of faith. The Angelic Doctor writes to the point:[102] "It is manifest that a heretic who pertinaciously disbelieves one article of faith is not prepared to follow the doctrine of the Church in all things; for if he were not pertinacious, he would now not be a heretic, but only one erring. Hence it is

manifest that such a heretic concerning one article does not have faith concerning the other articles, but a certain opinion according to his own will."

Hence the opinion of Lugo,[103] Viva,[104] and a few others must be rejected, teaching that some imperfect faith can be joined with formal heresy concerning one or another article. The reason of those authors is especially this: A heretic denies this article, not because he believes God to be fallible, but because he does not apprehend that article to be revealed; but he holds other articles as revealed: for it is not necessary for faith that I believe the first truth as manifested through the Church, since God can propose faith through other means as well as through the Church, as through testimonies of prophets, through interior light, etc., just as he truly infuses faith into infants through baptism.

To this argumentation an easy answer is made: Certainly the proposition of the Church is not absolutely necessary for true faith, and God can propose it through many other means. But certainly there is no reason for saying that the heretic about whom the question is raised has it through extraordinary means. For if he truly had it, he would also be prepared in mind to believe all things which are proposed to him as revealed by the Church, whose infallibility is of divine faith. Wherefore, if such a heretic rejects one of the diverse articles of faith proposed by the Church as pertaining to faith, he follows his own judgment, by which he persuades himself that the other articles are revealed, but not this one. Hence he errs gravely, and his proper motive of believing is rather his natural judgment, and that objectively false, than the authority of God revealing. But an act proceeding from such judgment is by no means an act of divine faith,[105] but of natural faith.

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[101] L. c. c. 15 (Denz. n. 808).

[102] *S. theol.* 2, 2, q. 5, a. 3.

[103] *De fide* disp. 17, sect. 6.

[104] *Curs. theol.* P. 4, disp. 4, q. 3.

[105] Cf. Billuart, *De fide* diss. 4, a. 2.

Chapter II. On the necessity of theological faith

Notions. A twofold necessity of faith is distinguished: the necessity of habitual faith or of the virtue of faith, and the necessity of actual faith or of the act of faith. Each must be treated separately. Faith, both habitual and actual, can be necessary either by necessity of means or by necessity of precept. Necessity of means, which sometimes is better called necessity for obtaining the end, is an absolute condition without which some end cannot be obtained. Therefore if such a means is lacking (whether culpably or inculpably), the end is in no way obtained. Thus the eye is necessary for seeing, the soul is necessary for human life, grace for eternal life, etc. - Necessity of precept follows from the special precept of a legitimate superior and is indeed a condition attached to some means for obtaining the end, but not so absolutely that without such a means the end can in no way be obtained. Thus, e.g., the reception of the Eucharist is necessary for having eternal life by necessity of precept laid down by Christ, but eternal life can sometimes be obtained even without the real reception of the Eucharist, e.g. by infants. Ignorance or moral impossibility usually excuses from those means which are necessary by necessity of precept.

We divide the present chapter into two articles: 1. on faith necessary by necessity of means; 2. on faith necessary by necessity of precept.

Article I. On faith necessary by necessity of means

We treat 1. of habitual and actual necessary faith itself, 2. of truths necessarily to be believed.

§ 1. On necessary habitual and actual faith itself

495. Proposition 1. Habitual faith is necessary for all men by necessity of means, so that without it no one can be saved. It is of faith.

Proof 1. From Sacred Scripture. St. Paul says simply and without any restriction: "But without faith it is impossible to please God";[1] and at the beginning of the same chapter he defined faith: "Faith is the substance of things to be hoped for." But substance signifies the beginning or foundation, and the things to be hoped for are eternal salvation. Therefore if faith is lacking, the foundation of salvation must be lacking, and therefore salvation itself.

Proof 2. From the Councils. The Council of Trent, session VI, c. 7, asserts: "The sacrament of baptism, which is the sacrament of faith, without which justification has ever happened to no one." The Vatican Council[2] defined: "Since without faith it is impossible to please God and to come to the fellowship of his sons, therefore justification has never happened to anyone without it; nor will anyone obtain eternal life unless he has persevered in it unto the end."[3]

Proof 3. By reason of fittingness. Indeed intrinsic natural reasons of this complete necessity cannot be assigned, since it arises from the free ordination of God, who certainly could save man even without previous faith; but this necessity is very fitting. For our life is the way to blessed union with God in the other life. But it is very fitting that this union already be begun in earthly life; this indeed happens through faith.

For infants and all others lacking the actual use of reason (such as baptized insane persons who never had the use of reason), this habitual faith, which is infused together with sanctifying grace in baptism, suffices for justification and for eternal salvation; for adults, i.e. those enjoying the use of reason, actual faith is necessary in addition. Hence there is posited:

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[1] Hebr. 11, 6.

[2] Sess. 3, Const. *de fide cath.* c. 3 (Denz. n. 1793).

[3] Cf. also Conc. Trid. sess. 6, c. 7 *de iustif.* (Denz. n. 799 sq.).

496. Proposition 2. For all adults (capable of reason), actual and explicit faith is necessary in addition by necessity of means.

It is certain. Andrew Vega alone (+ 1560) taught that in a case of necessity man is justified without supernatural faith, but by natural cognition of God alone.[4] There does not seem to be a great difference between Andrew Vega and those authors who think that faith broadly so called sometimes suffices for salvation.[5]

Proof 1. From Sacred Scripture. "But the justice of God through the faith of Jesus Christ unto all and upon all who believe in him; for there is no distinction."[6] Christ commands the Apostles: "Preach the Gospel to every creature. He who believes and is baptized shall be saved; but he who does not believe shall be condemned."[7] Explaining this text, St. Bernard says that "faith alone sometimes suffices for salvation, and without it nothing suffices."[8] St. Paul says: "We judge that man is justified by faith without the works of the law";[9] and: "But knowing that man is not justified by the works of the law, except through the faith of Jesus Christ."[10] In these

and other texts of Sacred Scripture, not only habitual faith, but also actual faith is clearly prescribed. For the discussion is about the act of faith, namely to believe.

Proof 2. From the Council of Trent, which, explaining the words of St. Paul, says: "But when the Apostle says that man is justified by faith and freely, those words are to be understood in that sense which the perpetual consensus of the Church has held and expressed; namely, that we are therefore said to be justified by faith because faith is the beginning of human salvation, the foundation and root of all justification, without which it is impossible to please God and to come to the fellowship of his sons."[11]

Proof 3. By reason of fittingness. The beatitude of man consists in the vision of the divine essence, and an adult man is bound to attain that beatitude by his own acts. But no one can tend toward some end unless he knows it. Therefore an adult man must know his supernatural end; moreover, this is impossible by natural reason alone. Therefore a supernatural illumination of the intellect, which is faith, is required.[12]

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[4] *De iustif.* l. 6, c. 10 sq.

[5] Cf. below n. 498.

[6] Rom. 3, 22.

[7] Mark 16, 15 sq.

[8] *Tract. de baptismo* c. 2, n. 8 (Migne, *Patr. lat.* 182, 1036).

[9] Rom. 3, 28.

[10] Gal. 2, 16.

[11] Sess. 6, c. 8 *de iustif.* (Denz. n. 801).

[12] Cf. *S. theol.* 2, 2, q. 2, a. 3.

497. Certain less correct opinions on the necessity of faith. a) **The opinion of Lugo.** Actual faith is indeed necessary for all adults for justification, but not always for eternal salvation. Hence Lugo[13] writes: "The question proceeds only concerning an adult sinner who must be justified in order to be saved." Elbel[14] asserts the same: "If a baptized infant should die shortly after having attained the use of reason, or if one baptized already as an elderly man, blind, deaf, and mute from birth, should invincibly be ignorant of the existence of God and depart from this life without mortal sin committed, without doubt as a friend and adoptive son of God, on account of the grace of baptism, he will obtain eternal beatitude as owed to him by hereditary right, even if it is supposed that he never elicited an act of faith." We deny that this can be admitted, because every adult capable of reason (and not only an adult sinner who wishes to be justified) is bound to obtain beatitude as a reward for good works. But no salutary work can be done without actual faith, at least implicit.[15]

The possibility of eternal salvation granted by God to all men seems to fight against the absolute necessity of faith. For since by far the greater part of men do not receive the sacrament of baptism, and since very many men never hear the preaching of true faith and therefore can elicit the act of faith only with such difficulty, it seems to follow that this whole crowd of men perishes and falls as a mass of damnation into hell. To avoid this very harsh consequence, some theologians devised diverse modes for establishing the possibility of salvation for all men.

b) **The opinion of Ripalda.** The desire of faith suffices, and an act of faith explicitly elicited is not required. For just as baptism received in reality or in desire suffices for salvation, so it seems that faith had or desired in desire also suffices.[16] Few theologians admitted this doctrine, but very many rejected it, requiring explicit faith

and not faith in desire alone. For nowhere, neither in Sacred Scripture nor in Tradition, is there a foundation for this opinion; hence it cannot be admitted. Moreover, when it is said: He who comes to God must believe, those words must be taken as they sound, for explicit faith and not only for wishing to believe, unless an authentic interpretation admits another sense; and this indeed has not been made.

497. c) **The opinion of Gutberlet.** Faith broadly so called suffices. What faith broadly so called is has already been said above, n. 491, where the divisions of faith were enumerated. The chief modern defender of this faith broadly so called was the illustrious Gutberlet,[17] professor at Fulda. - But this opinion cannot be admitted, and seems openly to be opposed to the doctrine of St. Thomas,[18] who says: "Faith adheres to all the articles of faith on account of one medium, namely on account of the first truth proposed to us in the Scriptures according to the teaching of the Church understanding rightly. And therefore he who falls away from this medium totally lacks faith." Therefore St. Thomas recognizes only one medium or intrinsic motive of faith, namely the first truth revealing, or divine revelation, and therefore rejects the light of reason as a sufficient motive for believing. But the reason why the light of reason is an insufficient motive of salvific faith is taken from this, that the act of salvific faith must be altogether supernatural; which certainly it would not be if the intrinsic motive were natural reason, even under the influence of actual grace. - Moreover, this opinion seems to be little safe, since Innocent XI condemned the proposition: "Faith broadly so called, from the testimony of creatures or a similar motive, suffices for justification,"[19] and the Vatican Council[20] defined: "If anyone says that divine faith is not distinguished from natural knowledge about God and moral things, and therefore that for divine faith it is not required that revealed truth be believed on account of the authority of God revealing, let him be anathema."[21]

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[13] *De fide* disp. 12, sect. 1, n. 3. Thomas Bouquillon teaches the same (*De virt. theol.* n. 165), who also adds: "it can happen that some adult is saved who never actually loved God with a love of friendship, but only had habitual charity annexed to grace." This opinion indeed seems to be improbable.

[14] *De fide* n. 13.

[15] Cf. St. Thomas, *De verit.* q. 14, a. 11.

[16] Ripalda, however, speaks not by assenting but by doubting (*De ente supern.* lib. 1, disp. 20, n. 123); cf. Schiffini, *De virt. infus.* n. 168.

[17] *Dogmat. Theologie* VIII 403 sqq.: "In general faith must be proper faith; it is necessary *necessitate medii*; but in particular only the two truths: God is, and God is a rewarder, are certainly necessary *necessitate medii*; these two truths must be believed explicitly, but not always in the proper sense. Thus it would be conceivable that the pagan, to whom the motives of faith are unknown, could also come to a true faith through motives of reason." - This author proposed this opinion with the best intention; for he adds: "Precisely from apologetic interest, in order to reject the often-heard reproach that the Catholic Church condemns all unbelievers and pagans to hell, we have occupied ourselves so thoroughly with this question. But if indeed we have now shown the sufficiency of improper faith for salvation as very probable, it would be wrong, on the basis of this probability, in practice to be content with improper faith" (l. c. p. 503).

[18] *S. theol.* 2, 2, q. 5, a. 3 ad 2.

[19] Denz. n. 1173.

[20] Sess. 3, c. *de fide cath.* 3, 2 (Denz. n. 1811).

[21] Martin, O.P., wrote at length on this matter, *De necessitate credendi et credendorum* (1906), p. 56 sqq. Likewise F. Schmid, *Die ausserordentlichen Heilswege für die gefallene Menschheit* (1906), and Wilh. Liese, *Der heilsnotwendige Glaube* (1902), rejected the opinion defended by Gutberlet.

498. The opinion of St. Thomas on the salvation of unbelievers. St. Thomas, and after him almost all theologians, explain the proposed difficulty concerning the salvation of unbelievers in this way: "Do those to

whom [the Gospel] has not come, as being brought up in the woods, have an excuse for the sin of infidelity? - To this it must be said that according to the opinion of the Lord, which is had in John 15:22, those who have not heard the Lord speaking through himself or his disciples have an excuse for the sin of infidelity, yet they will not obtain the benefit of God, namely that they be justified from other sins which they either contracted by being born or added by living badly; and for these they are deservedly damned. If, however, any of them had done what is in himself, the Lord according to his mercy would have provided."[22] Indeed he says: "For if one so brought up followed the guidance of natural reason in desiring good and fleeing evil, it must most certainly be held that God would reveal to him, either through internal inspiration, those things which are necessary to be believed, or would direct some preacher of the faith to him, as he sent Peter to Cornelius."[23] But the reason is that God sincerely wills all men to be saved and to come to the knowledge of the truth, and because he enlightens every man coming into this world.

Scholion. On the salvation of infants dying without baptism. Since, with all theologians agreeing, faith at least habitual is necessary for salvation, a most difficult question arises: How do infants dying without baptism have sufficient grace for that habitual faith? No certain response can be given to this question, nor has the Church determined anything on this matter. See the diverse opinions of theologians concerning this question, which pertains rather to dogmatic theology, in Billuart.[24]

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[22] *In Rom.* c. 10, lect. 3.

[23] *De verit.* q. 14, a. 11 ad 1.

[24] *De voluntate Dei* diss. 2, a. 1.

§ 2. On the truths necessarily to be believed

Up to this point it has been proved that actual faith is necessary for an adult man by necessity of means. Now at once the question arises: What are the truths of faith which must be believed by necessity of means?

499. Proposition 1. By at least implicit faith all things must be believed, whatever God has revealed to us and proposed to us through his Church. This is clear from what was said above, n. 484, concerning the material object of faith. But this implicit faith does not suffice; in addition, explicit faith must be had at least concerning certain truths. Hence it is established:

Proposition 2. Explicit faith a) in God existing and b) rewarding was always necessary for all adults by necessity of means.

Thus almost all theologians teach, and it is drawn a) from the words of St. Paul:[25] "He who comes to God must believe that he is, and that he is a rewarder to those who seek him." b) From the fact that Innocent XI condemned proposition (22): "Only faith in one God seems necessary by necessity of means, but not explicit faith in the rewarder."[26] c) It follows from the very nature of faith that these two articles must be believed explicitly. For all men must come to God, in whom alone man's beatitude consists, as was proved above, n. 20 sqq. But no one can come to God unless a) he knows him to exist; but only by faith is it known that God (as he is in himself) exists. Therefore faith in God's existence is necessary for obtaining beatitude. Besides, b) in order that man may come, he must have a motive; this is supernatural remuneration in the other life. Moreover, since the virtues to be exercised, without which beatitude cannot be obtained, are so difficult, it is most fitting that all believe that God will reward each one according to his works. - Even in the Old Testament it was necessary for all adults to believe these two truths.

Corollary. Since faith in these two truths is necessary by necessity of means and therefore is a necessary means of salvation, never, not even in the article of death, can an adult who is ignorant of these articles of faith be baptized or sacramentally absolved.

499. Controversy. Whether besides these two truths others also must be explicitly believed by necessity of means, theologians do not agree. St. Thomas[27] and with him several Thomists and several other theologians alleged by St. Alphonsus[28] seem to teach that explicit faith in Christ the Redeemer and in the Most Holy Trinity is necessary by necessity of means. But several others absolutely deny this, e.g. Suarez, Lugo, Chr. Pesch, Bouquillon, Gutberlet, and also at least probably certain Thomists, such as Dominic Soto, Gotti, Sylvius, etc. Martin, in the work cited above, broadly defends the affirmative opinion, to which St. Paul seems to favor when writing: "But the justice of God [i.e. our justification] through the faith of Jesus Christ unto all and upon all who believe in him; for there is no distinction."[29] In a similar sense St. John says (17:3): "This is eternal life, that they may know you, the only true God, and Jesus Christ whom you have sent."

This affirmative opinion must be followed in practice. Hence the Holy Office on January 25, 1703, declared that before baptism is conferred, "the missionary is bound to explain to an adult, even dying, who is not wholly incapable, the mysteries of faith which are necessary by necessity of means, as especially the mysteries of the Trinity and Incarnation."[30] It is established in addition from proposition (64) condemned by Innocent XI: "A man is capable of absolution, however much he labors under ignorance of the mysteries of faith, and even if through negligence, even culpable negligence, he does not know the mystery of the Most Holy Trinity and of the Incarnation of Our Lord Jesus Christ."[31] - Notwithstanding these decisions, since the negative opinion is at least extrinsically solidly probable, and since the sacraments are for men, in the article of death any man who is judged to have the intention of receiving the sacrament of baptism or of penance must be baptized or absolved conditionally, even if he does not have explicit faith in the mysteries of the Incarnation and of the Most Holy Trinity, provided that he at least explicitly believes God existing and rewarding. But outside the article of death the sacrament of baptism, or even of penance, cannot licitly be conferred on an adult man who is ignorant of the mysteries of the Trinity and Incarnation. Indeed, according to St. Alphonsus,[32] a penitent burdened with grave sin, who has confessed several times without knowledge of these mysteries, must repeat confessions so made. For the rest, it must be kept before the eyes that explicit faith in these mysteries is not the same as perfect knowledge of them. But perfect knowledge is by no means necessarily required. Therefore, when the case occurs, if there is doubt concerning the sufficient faith of some dying person, let the priest (or another man) say these or similar things to him: "Let us briefly elicit an act of faith under this form: I believe in God, one and three, the just judge of the good and the wicked; I hope that I shall be saved by the merits of Jesus Christ, the incarnate Son of God." But if the dying person consents, then let him immediately be baptized or absolved.

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[25] Hebr. 11, 6.

[26] Denz. n. 1172.

[27] *S. theol.* 2, 2, q. 2, a. 7 and 8; *De verit.* q. 14, a. 11; dist. 25, q. 2, a. 2, sol. 2.

[28] Cf. St. Alph., *Theol. mor.* l. 2, n. 2, where the holy Doctor calls this opinion the more common and more probable.

[29] Rom. 3, 22.

[30] *Collect. de Prop. Fide* n. 254. This decision of the Holy Office was confirmed by Benedict XIV, Const. "Postremo mense" n. 41, February 28, 1747, and was issued again on March 30, 1898. Cf. also the decision of the Holy Office, May 12, 1703, ad 2 (*Collect. de Prop. Fide* n. 256).

[31] Denz. n. 1214.

[32] *Theol. mor.* l. 2, n. 2.

Article II. On faith necessary by necessity of precept

Concerning faith two things are prescribed: the internal act of faith and the external manifestation or profession of faith; concerning these one must treat separately.

§ 1. On the internal act of faith by precept

Proposition. There is a divine precept of eliciting internal acts of faith (and indeed explicit ones) concerning the principal articles of faith.

For the sake of clarity we shall explain a) the existence, b) the extension, c) the time of obligation of this precept.

500. a) **The existence of the precept of internal faith** is altogether certain. For if God speaks to man, he speaks with this counsel, that faith be had in him. Nor can he who refuses faith fail to inflict injury either on God's knowledge or veracity, while he intimates that he is not free of error or fraud; or on God's wisdom, while he thinks him to act or speak without counsel; or on his supreme dominion, to which he does not wish to submit himself. Hence the precept of faith can deservedly be called a precept of natural law, in the sense that it follows necessarily and naturally from the very relation between God and man. - Moreover, from a positive divine precept all men having the use of reason are bound to believe. Hence Christ says: "He who does not believe shall be condemned,"[33] and St. John says: "And this is his commandment: that we believe in the name of his Son Jesus Christ, and love one another, as he has given commandment to us."[34] Hence also the following proposition was condemned (in 1679) by Innocent XI: "Faith is not judged to fall under a special precept and according to itself."[35]

[33] Mark 16, 16.

[34] 1 John 3, 23.

[35] Denz. n. 1166.

501. b) **The extension of this precept.** According to diverse instruction and especially according to their diverse offices, men are bound to have more or less perfect knowledge of the truths of faith. Hence pastors, teachers of religion, parents, etc., who must instruct others, must have a more perfect knowledge of faith than other simple faithful. Here we treat only of those revealed truths which all men are bound to know or believe. The Church has determined nothing concerning these truths, whence in certain Catechisms five points are enumerated, in others seven, which all are bound to believe or know. But moral theologians usually enumerate the following four as necessarily to be believed or known (as to substance) by necessity of precept, namely:

1. The Apostolic Symbol, 2. the Lord's Prayer, 3. the precepts of the Decalogue, 4. the sacraments necessary for all, namely baptism, penance, the Eucharist. The other sacraments must be known by him who is going to receive them.[36]

501. You will ask: Are the faithful bound to know these truths by memory? Several theologians require that the faithful know by memory the Apostolic Symbol, the Lord's Prayer, and the Decalogue. Certainly all pastors of souls are bound to labor according to their strength that the faithful committed to them be diligently instructed in matters pertaining to faith and good morals; whence Pius X in the Encyclical "Acerbo nimis"

(April 15, 1905) prescribed: "All parish priests and generally all who have care of souls, on Sundays and feast days, for the space of a full hour, are to instruct boys and girls from the catechism booklet concerning those things which each must believe and do in order to attain salvation." Nevertheless it cannot be proved by solid arguments that the faithful are bound to know any formulas of faith by memory (at least per se and by divine precept). For the Decalogue and the Lord's Prayer are handed down in diverse places of Sacred Scripture not in the same words. Therefore a determined formula of words to be handed over to memory is not from divine precept. By accident there is a grave obligation of learning the Lord's Prayer by memory, because otherwise an imminent danger arises that all prayer will be wholly neglected. Hence in practice almost always any man perfectly possessing the use of reason is bound to learn this prayer. The half-witted or those so dull in mind that they cannot learn anything are excepted.

The obligation of instructing the faithful in matters of faith primarily binds pastors of souls; nevertheless a case can also occur in which the confessor is bound in the confessional to teach penitents concerning things necessarily to be believed. For if he perceives that the penitent is very ignorant in matters of faith, he must explain to him that God is one and three; that Christ is true God and has redeemed the world; that by his merits remission of all sins is given to men truly contrite; that Christ is really present in the sacrament of the Eucharist and that he will come at the end of the world to judge all men. Especially concerning children confessing for the first time a doubt can arise whether they sufficiently know the articles of faith. In this case, if they confess some mortal sin, they must be briefly instructed in the confessional; but if they do not accuse themselves of any grave sin, and if it is too burdensome to instruct them in the confessional itself, they are better dismissed with only a blessing, and afterward are instructed outside the confessional.

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[36] Cf. St. Alph., *Theol. mor.* l. 2, n. 3.

502. c) **The time of obligation of this precept.** The precept of eliciting an act of faith obliges sometimes per se and sometimes by accident.

Per se, or by force of the very precept of believing and independently from every other obligation, man is bound to elicit an act of faith:

1. First, when divine revelation has been sufficiently proposed to him. But this happens for Catholics when they have acquired the perfect use of reason. The reason is that man, after having attained the use of reason and knowing the existence and revelation of God, is bound to submit himself to God and to revere him. Moreover, it would be the greatest irreverence if man refused or neglected

502. to render the faith due to God revealing. But this precept is already sufficiently fulfilled by children when they devoutly recite prayers to God. - But for heretics and unbelievers this occurs when they know the truth of the Catholic religion. The reason is the same. For immediately when revealed truths have been sufficiently proposed, each one is bound to assent to them, because otherwise he gravely injures the honor due to God. Therefore such heretics and unbelievers are bound at once to be converted to the true religion (at least secretly). But if at some time public conversion is most difficult, e.g. on account of civil laws (in Russia) or on account of the greatest inconveniences following from it, then it is licit to defer it for a time according to the prudent judgment of the pastor or confessor.

2. When a new dogmatic definition is proposed by the Church. Thus, e.g., when Pius IX declared the dogma of the infallibility of the Supreme Pontiff, all Christians were bound to elicit an act of faith concerning this dogma.

3. More often in life. Wherefore proposition (1) was condemned in 1665 by Alexander VII: "At no time in his life is man bound to elicit an act of faith, hope, and charity by force of the divine precepts pertaining to those virtues."[37] But the following propositions were condemned (in 1679) by Innocent XI: "It is enough to elicit an act of faith once in life"; and: "It is probable that not even every strict five-year period obliges per se by the precept of charity toward God."[38] Since, however, the necessity of charity and of faith is almost the same, the precept of faith also obliges at least in any five-year period.

Some authors here raise the question how often precisely a man is bound under grave obligation to elicit an act of faith. Some affirm that an act of faith must be elicited at least once each year, others once a month, others once on each Sunday and feast of the Lord.[39] All these opinions are arbitrary and rest on no solid foundation. For the rest, the faithful living in a Christian manner abundantly satisfy this precept through the diverse exercises of religion which they are accustomed to perform. But a man who for long years neither prayed nor performed the exercises of the Christian religion has certainly gravely transgressed also the precepts of eliciting acts of faith, charity, and prayer; but the confessor, from this general omission once known, is already sufficiently able to judge concerning the state of the penitent, and is not bound to investigate each point.

4. More probably in the article of death,[40] because then we are most bound to believe in God as merciful and as a just rewarder.

By accident, i.e. from a peculiar circumstance, the precept of faith obliges: 1. when some precept must be fulfilled which requires an act of faith, e.g. in the reception of the sacraments. Nevertheless in these cases an implicit act of faith seems to suffice, although no better preparation for the reception of the sacraments is given than explicitly and fervently to elicit an act of faith, hope, and charity. 2. If a grave temptation arises against some virtue, which cannot be conquered otherwise.

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[37] Denz. n. 1101.

[38] Ib. n. 1167, 1156.

[39] Cf. St. Alph., *Theol. mor.* l. 2, n. 7.

[40] Thus also St. Alph., *Hom. ap.* tr. 4, n. 13; Lehmkuhl, *Theol. mor.* I, n. 398, and several others. Noldin, *De praecept.* n. 14, c, teaches the contrary.

503. Scholion. On the omission of an act of faith in the practice of the confessor. The faithful of timorous conscience ought not to be anxious lest they have not fulfilled the precept of eliciting faith, since any pious prayer is already a sufficient act of faith; nevertheless they are to be diligently exhorted to elicit acts of faith very often and fervently. For from repeated acts faith becomes more fervid and pervades all actions, whence St. Paul admonishes: "The just man lives from faith."[41] But the faithful who are not very religious and who approach the sacrament of penance after a long time are nevertheless rarely to be judged to have sinned gravely for this reason, that for a long time they did not elicit acts of faith; for they are accustomed to be ignorant of the obligation of this precept. Therefore the confessor is not bound to ask the penitent for what length of time he has not elicited an act of faith. For the rest, it is not established how great a duration of omission of an act of faith is required for constituting mortal sin, as was already said above.

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[41] Rom. 1, 17; Hebr. 10, 38.

§ 2. On the external profession of faith prescribed

504. Existence of the precept. The profession of faith is its external manifestation made before other men, and it can be made either by words or by deeds; but it is prescribed 1. by divine law; 2. by ecclesiastical law.

1. That there exists a divine precept of confessing faith outwardly is drawn from Sacred Scripture. For St. Paul says: "If you confess the Lord Jesus with your mouth, and have believed in your heart, ... you shall be saved; for with the heart one believes unto justice, but with the mouth confession is made unto salvation."[42] But Christ says: "Everyone therefore who shall confess me before men, I also will confess him before my Father who is in heaven. But he who shall deny me before men, I also will deny him before my Father who is in heaven."[43]

The intrinsic reasons why God prescribed the exterior profession of faith are chiefly: a) Christ founded a visible Church with worship also visible; and therefore the members of that Church must manifest themselves outwardly as such, and especially in external worship. But this happens through the profession of faith. b) Besides, he commits great irreverence toward God and shameful cowardice who, on account of vain human fear, omits to show himself a faithful servant and worshiper of God. c) There is added that the exterior profession of faith greatly serves for confirming interior faith and for converting other men tepid in faith, or even altogether unbelieving, to fervid faith.

Extension of this precept. The divine precept of professing faith is rather affirmative[44] than negative. But insofar as it is negative, it forbids faith ever to be denied outwardly; this indeed can happen either directly or indirectly. Faith is denied directly by formal infidelity or heresy, i.e. by him who knowingly and voluntarily denies the true faith outwardly and inwardly. Faith is denied indirectly when someone places an external act which, all the circumstances having been seen, must be regarded by other men as a denial of faith, although he himself inwardly did not wish to deny the faith; e.g. when someone takes a Protestant supper, although inwardly he in no way believed that Christ is present in such a supper.

Principle. It is never licit to deny faith, neither directly nor indirectly.[45] For every denial of faith inflicts grave dishonor on God, because it refuses God's authority and reverence. In addition, it causes grave scandal to one's neighbor. Christ threatens those denying faith: "He who shall deny me before men, I also will deny him before my Father who is in heaven." But it must be noted that denying faith is one thing, concealing or dissembling faith another. For sometimes it is licit to dissemble or conceal faith, as will be said below, n. 507. Direct denial of faith will be treated in the following chapter (n. 512 sqq.).

The affirmative precept of professing faith is twofold, one divine, the other ecclesiastical. The following things are to be observed:

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[42] Rom. 10, 9 sq.

[43] Matt. 10, 32 sq.

[44] *S. theol.* 2, 2, q. 3, a. 2.

[45] Some authors, such as Noldin, *De praec.* n. 24; Gopfert, I, n. 274, permit indirect denial of faith, provided sufficient reasons are present. This manner of speaking, although it can be rightly understood, is better avoided, since it sounds badly and gives occasion for erring.

505. The divine precept of professing faith obliges: 1. when from the omission of this confession the honor due to God is withdrawn; 2. when the utility of one's neighbor demands it. Thus the Angelic Doctor[46] establishes rules which are admitted by all theologians.

1. The honor of God to be preserved demands the profession of faith: a) when someone is questioned about his faith by public authority; b) when someone is moved in hatred of religion to deny faith by word or deed.

To a) Theologians commonly teach that a Catholic man is bound (even with danger of life) candidly to confess his faith if he is questioned by public authority in a cause of faith, because otherwise great scandal and grave irreverence against God are committed. And therefore on March 2, 1679, Innocent XI condemned the following proposition (18): "If someone is questioned by public power, I advise ingenuously confessing faith as glorious to God and faith; I do not condemn silence as sinful per se."[47] But if someone were questioned not about faith, but about his state, e.g. whether he is a priest, monk, etc., and concealed the truth, he would not sin against faith, but perhaps against truth, or also against charity, if his neighbor were to suffer scandal from it. But if public authority, by persecuting religion, commands by general edict that the faithful present themselves or betray themselves by a certain sign, no one is bound to obey, because such a law is altogether unjust and therefore does not bind in conscience. Wherefore, in persecutions of Christians, the faithful and priests can conceal themselves, indeed also flee, as is clear both from the words of Christ: "If they persecute you in this city, flee into another,"[48] and from his own example and that of the Apostles.[49]

505. But pastors of souls then would have to remain even with danger of life, if their flight would expose the people committed to them to grave danger of apostasy. For "the good shepherd gives his life for his sheep; but the hireling ... sees the wolf coming and leaves the sheep and flees, and the wolf catches and scatters the sheep."[50]

If someone is questioned about faith by a private person, he is not bound (at least per se) to confess the truth, but can be silent or give an evasive response. The reason is that in this case silence or an evasive response is not irreverence toward God, but rather slighting of the questioner, who has no right of putting questions of this kind. But by accident, even in this case of a private question, the one questioned would have to confess the truth, if namely "from this it would be believed either that he did not have faith, or that faith was not true, or that others through his silence would be turned away from faith."[51]

To b) If someone, in hatred of religion or faith, is moved by public or even private authority to act by word or deed against faith, certainly he cannot obey, but must profess the true faith. Thus, e.g., if a master out of hatred of the Catholic religion wished to compel servants to eat meat on prohibited days, then they could not silently obey, but would have to either refuse obedience absolutely, or say openly to the master: We venerate our Church and obey her; but, placed in great necessity, we eat meat, because in these circumstances the Church herself dispenses us from her law.[52]

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[46] *S. theol.* l. c. This precept is expressed in the Code of Canon Law, c. 1325, § 1, in these words: "The faithful of Christ are bound openly to profess faith whenever their silence, evasion, or manner of acting would carry with it an implicit denial of faith, contempt of religion, injury to God, or scandal of neighbor."

[47] Denz. n. 1168.

[48] Matt. 10, 23.

[49] John 8, 59; 10, 39; 2 Cor. 11, 33; Acts 12, 8 sqq.

[50] John 10, 11 sqq.

[51] *S. theol.* 2, 2, q. 3, a. 2.

[52] Cf. St. Alph., *Theol. mor.* l. 2, 15 at the end; Konings, *Theol. mor.* n. 137; Aertnys, *Theol. mor.* l. 2, n. 8, q. 6.

506. 2. **The spiritual utility of one's neighbor demands confession of our faith** whenever otherwise grave scandal would arise for one's neighbor. Thus, e.g., in the ancient persecutions of Christians, those who were called "libellatici" because they had bought from the prefect a certificate as though they had sacrificed to idols, sinned gravely. Yet they were punished more mildly than the so-called "sacrificati" or "thurificati," who namely from fear of death had truly sacrificed to idols. In our times all those sin against the divine precept of confessing faith in this way who publicly furnish favor to heresy, even if inwardly they do not wish to deny faith.

II. **The ecclesiastical law establishes that the following persons make a profession of faith:**

1. Those to be baptized; if they are infants, in their place the sponsors make the profession of faith through the recitation of the Apostles' Symbol.[53]
2. All who return from heresy or schism into the bosom of the Catholic Church.[54]
3. All who are present with either deliberative or consultative or decisive vote at an ecumenical or particular Council or diocesan synod. They must make the profession before the president of such an assembly or before the delegate of the president.[55]
4. Those promoted to the cardinalitial dignity.[56]
5. Those promoted to the episcopate (even titular), to the government of an Abbey or Prelature nullius, of an Apostolic Vicariate, of an Apostolic Prefecture, and indeed before the Delegate from the Apostolic See.[57]
6. The capitular vicar before the cathedral Chapter.[58]
7. Those promoted to a canonry or to a dignity in a Chapter. They must make the profession before the local Ordinary or his delegate and before the assembled Chapter.[59]
8. Diocesan consultors before the local Ordinary or his delegate and before the other assembled consultors.[60]
9. The vicar general, pastor, beneficed cleric having care of souls, rector of a Seminary, professors of theology, philosophy, and canon law, all who are to be promoted to the subdiaconate, censors of books in episcopal curias, those receiving the faculty of hearing confessions or preaching.[61]
10. The rector of a University or canonically erected Faculty before the Ordinary, i.e. before the bishop or his religious superior or their delegate; but all professors of such institutions before the Rector or his delegate. Likewise those who after examination are given academic degrees.[62]
11. The religious superior in clerical religious institutes before the Chapter or the superior who appointed him.[63]

Note. 1. He who, having left the former one, obtains another office or benefice or dignity, even of the same species, must again make the profession of faith.[64] Therefore, e.g., a pastor who is transferred from one parish to another must again make the profession of faith.

2. He does not satisfy the obligation of making the profession of faith who makes it through a procurator or before a layman.[65]

The penalties laid down against those who without a just impediment neglect to make the due profession of faith, after a fitting admonition has been disregarded, are a) loss of the fruits of the benefice, office, dignity, or function. This loss of fruits obtains at once, and therefore, e.g., a pastor who, having been admonished, did not make the profession of faith must restore the fruits received in the same way as if he had omitted the recitation of the Breviary. b) deprivation of the office itself, benefice, dignity, or function.[66]

It is very fitting that the profession of faith be made either before an altar, or at least before a Crucifix and two lighted candles.

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[53] *Rit. Rom. de baptismo*, tit. 3.

[54] Holy Office, July 20, 1859 (*Collect. de Prop. Fide* n. 1178).

[55] Cod. iur. can. c. 1406, § 1, n. 1.

[56] Ib. n. 2.

[57] Ib. n. 3.

[58] Ib. n. 4.

[59] Ib. n. 5.

[60] Ib. n. 6.

[61] Ib. n. 7. He who made the profession before receiving the subdiaconate is not bound to repeat the same before the diaconate or presbyterate, unless the Ordinary has judged otherwise. Likewise a confessor who made the profession before beginning the office is not bound to repeat it if in another diocese he receives the faculty of hearing confessions. S. C. Consist., March 24, 1911, and June 20, 1913 (*Act. Ap. Sed.* III, 182; V, 273).

[62] Cod. iur. can. c. and § cited, n. 8.

[63] Ib. n. 9.

[64] Ib. § 2.

[65] Cod. c. 1407.

[66] Ib. c. 2403.

507. On the concealment or dissimulation of faith. It is never licit to deny faith either directly or indirectly, as has already been said above; but sometimes to conceal the true faith is not only licit, but even necessary. For the divine precept of professing faith is an affirmative precept, and therefore does not always oblige. Wherefore St. Thomas writes:[67] "If disturbance of unbelievers arises from a manifest confession of faith, without any utility of faith or of the faithful, in such a case it is not praiseworthy to confess faith publicly; hence the Lord says: 'Do not give what is holy to dogs, nor cast pearls before swine, lest turning they tear you.'"[68] But if some utility of faith is hoped for or necessity is present,

507. once the disturbance of unbelievers has been contemned, man must publicly confess faith; hence it is said[69] that when the disciples had said to the Lord that the Pharisees, having heard his word, were scandalized, the Lord responded: "Let them alone" (namely, be disturbed), "they are blind and leaders of the blind." From these things the following practical conclusions are deduced:

Resolutions: 1. Some heretic or pagan who wishes to embrace the true faith, but cannot do this publicly without great temporal inconveniences, can be received secretly into the bosom of the Church before two discreet witnesses.[70] But after conversion, although he is dispensed from positive divine and ecclesiastical precepts which cannot be fulfilled without grave inconvenience, nevertheless he can no longer perform acts

which are a profession of heresy or paganism, such as, e.g., to receive a Protestant supper, to contract marriage before a non-Catholic minister, to exercise the office of a non-Catholic minister, to wear signs signifying idolatry,[71] etc. But he could perform other things which are not a direct profession of heterodox faith, such as, e.g., to visit temples of heretics, to attend a non-Catholic funeral, indeed once or twice to attend a non-Catholic sermon, provided, however, that danger of perversion or scandal is absent.

2. A Catholic man can wear the garments which the inhabitants of some region of unbelievers are accustomed to wear, e.g. the cap of the Turks; but by no means is it licit to wear garments or signs which have been instituted solely for professing a false faith, as are the priestly garments of idolaters. Hence the Sacred Congregation of Propaganda Fide on March 23, 1844, forbade Missionaries, in order more easily to introduce the Catholic faith among the Tartars, to put on garments used by Lama priests, or to shear their head after their manner.[72] The reason for each solution is that to wear the garments of some non-Catholic region is indeed a dissimulation of the true faith, but not a simulation of false faith, since not all inhabitants of that region are non-Catholics; on the contrary, to wear garments or signs of some sect is to simulate false faith; this certainly is not licit.

3. A priest or Religious can, for a reasonable cause, lay aside the clerical or religious habit. He can also eat meat on days prohibited by ecclesiastical law, if, living in the land of heretics, he otherwise would have to suffer great distresses. The reason is that positive ecclesiastical laws do not oblige with grave inconvenience.[73]

4. A Catholic man cannot licitly make nods, movements, pressure of fingers, etc., which by convention serve solely for the profession of a false religion or of some non-Catholic sect. Hence it is not licit to wear the distinctive signs of Freemasons; it is not licit to make signs of reverence before an idol, etc.

507. 5. A Catholic eating together with non-Catholics is not bound to say the customary prayers before and after the meal and thus betray himself as a Catholic, if grave inconveniences would arise for him from this. The reason is obvious; for by no strict precept is a Catholic man obliged to these prayers, nor does this omission of prayers include denial of faith.

Note. For the rest, in practice it cannot always easily be distinguished whether concealment of faith is licit or not. Speaking generally, it is much better candidly to profess faith, because the harms arising from profession are not accustomed to be so great as they appear when considered at first glance. On the contrary, from an ingenuous profession of faith the greatest goods are accustomed to be produced, both for the one professing himself and for others admiring his good example.

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[67] *S. theol.* 2, 2, q. 3, a. 2 ad 3.

[68] Matt. 7, 6.

[69] Matt. 15, 14.

[70] Thus also the Holy Office established on March 28, 1900 (*Collect. de Prop. Fide* n. 2079).

[71] Very long and very sharp controversies arose among the Missionaries of the Indies and of other adjacent regions concerning the so-called Malabar rites, e.g. whether converted women to be joined in marriage could wear on the neck a certain token called Tauly, representing some idol. Several Supreme Pontiffs, and especially Benedict XIV, Const. "Omnium sollicitudinum," September 12, 1744, condemned this use. But the Holy Office on February 3, 1892, permitted the use of the Taly, after it had been cleansed of all superstition.

[72] *Collect. de Prop. Fide* n. 948.

[73] Cf. Noldin, *De praecept.* n. 21.

508. Scholion. On the means of advancing in faith. Since faith is of such great necessity and utility, it is excellent to use efficacious means for procuring its increase. Faith, as being an infused virtue, cannot indeed directly be increased by our acts, as was already said above, n. 493, but is increased in the measure in which sanctifying grace is increased in us. Nevertheless by our acts we acquire a very precious facility for eliciting meritorious acts of faith and thus for growing in grace and in faith itself. Such acts are:

1. **Fervent and frequent prayer.** Hence even the Apostles themselves asked the Lord: "Increase faith in us."[74] For prayer, as being the elevation of the mind to God, intimately unites the mind with God, the father of light, and the spirit inflaming our hearts; and therefore it is exceedingly useful for advancing in faith.
2. **Reading of Sacred Scripture,** which contains divine revelation and vehemently incites us to believing. Also very useful is the reading of books treating of the distinguished acts of faith performed by holy men.
3. **Pious hearing of sermons,** in which the truths of faith are well set forth and inculcated. These sermons indeed are very useful not only to simple faithful, but also to clerics and religious.
4. **The exercise of faith** a) by thought; b) by word; c) by deed. We must direct all thoughts and judgments neither according to the prudence of the flesh, which is an enemy to God,[75] nor according to the prudence of this age, which is foolishness before God.[76] Therefore nothing is to be greatly esteemed except those things which are great before God. - Our words must be conformed to our thoughts, and therefore in conversations we must estimate the value of things according to the Gospel. - All our works must be performed from a supernatural motive, and not from empty glory, desire, or another merely egoistic motive.
5. **Propagation of faith among others.** For by laboring for the propagation of faith, both our faith is stirred up and our meritorious works are increased.

[74] Luke 17, 5.

[75] Rom. 8, 7.

[76] 1 Cor. 3, 19.

Chapter III. On the vices opposed to faith

509. Since faith is the foundation of the whole spiritual life, hence the vices which destroy or even weaken faith are most pernicious and open a broad way to all other vices. But as long as the sinner conserves faith, he retains in himself some divine seed and firm hope is present that at some time he may be brought to sincere conversion. Hence infidelity is deservedly called by St. Thomas,[1] after hatred of God, the gravest sin.

509. Sins against faith can be divided 1. into sins of omission and 2. into sins of commission.

1. By culpable omission someone sins against faith a) through omission of an act of internal or external faith (concerning these it has already been said in the preceding chapter); b) through voluntary ignorance of the truths of faith necessary to be known. Any man is bound to take care that he have sufficient knowledge of faith; and therefore he must sometimes hear sermons on Catholic doctrine,

unless he is prepared to procure for himself from elsewhere the necessary notion of faith; this indeed will be difficult for simple faithful. Especially parents who send their children to non-Catholic schools, in which either no instruction or insufficient instruction in Catholic doctrine is handed down, sin gravely by this omission.

2. By commission someone can sin against faith in two ways, namely a) by excess and b) by defect.

a) By excess man sins against faith either by rash credulity or by superstition. He sins by rash credulity who admits things as pertaining to faith and the Christian religion, although they are not such, e.g. if someone lightly believes private revelations which are suspect and very doubtful. Hence St. John admonishes: "Dearly beloved, do not believe every spirit; but test the spirits, whether they are from God; because many false prophets have gone out into the world."[2]

Superstition, which is a certain protestation of infidelity through an exterior act,[3] is opposed not only to the virtue of faith, but also to the virtue of religion, because it exhibits divine worship either to one to whom it ought not, or in the way in which it ought not. Superstition will be treated more fully below, II, 501 sqq., in the treatise on the virtue of religion.

b) By defect one sins against faith by infidelity. But infidelity is twofold: negative and positive. Negative infidelity (also called material infidelity) is the lack of faith in him to whom either faith has never been announced or has not been sufficiently announced; therefore it is involuntary infidelity. Positive infidelity (also called formal infidelity) is a culpable lack of faith in him who resists the assent of faith or contemns faith. The principal species of positive or formal infidelity are: paganism, Judaism, heresy. Thus St. Thomas,[4] who writes: "Since the sin of infidelity consists in resisting faith, this can happen in two ways: because either one resists faith not yet received, and such infidelity is that of pagans or gentiles; or one resists the Christian faith received, either in figure, and thus it is the infidelity of the Jews, or in the very manifestation of truth, and thus it is the infidelity of heretics. Hence in general the three aforesaid species of infidelity can be assigned." Apostasy is reduced to heresy; it is a total falling away from faith in him who previously had the true faith.[5] St. Thomas[6] says: "Apostasy does not import a determinate species of infidelity, but a certain aggravating circumstance." Heresy strictly so called is the voluntary and pertinacious error of a baptized man against some truth of Catholic faith. From heresy schism is usually distinguished, which consists in pertinacious withdrawal from the obedience due to the Supreme Pontiff. Therefore schism is not directly opposed to faith, but almost always schismatics are also heretics, since they not only refuse obedience to the head of the Church, but also deny one or another article of faith (especially the primacy of the Supreme Pontiff).

St. Thomas[7] teaches: "Heresy and schism are distinguished according to those things to which each is per se and directly opposed. For heresy per se is opposed to faith; but schism per se is opposed to the unity of ecclesiastical charity. And therefore just as faith and charity are diverse virtues, although whoever lacks faith lacks charity, so also schism and heresy are diverse vices, although whoever is a heretic is also a schismatic; but the reverse does not hold. And this is what St. Jerome[8] says: 'Between schism and heresy I judge there to be this difference, that heresy has a perverse dogma, schism separates from the Church.' And nevertheless just as the loss of charity is the way to losing faith according to that: 'From which certain ones straying [namely from charity and other things of this kind] have turned aside into vain talking,'[9] so also schism is the way to heresy. Hence Jerome adds in the same place that 'schism at the beginning can be understood in some part as diverse from heresy; for the rest, there is no schism which does not devise for itself some heresy, so that it may seem rightly to have withdrawn from the Church.'"

To apostasy from faith are reduced indifferentism, pantheism, materialism, skepticism, monism, etc., of a man previously educated Catholic.

In this chapter we shall treat 1. of paganism and Judaism, or of those who never received faith; 2. of apostasy from faith and of heresy; 3. of dangers of faith.

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[1] Cf. *S. theol.* 2, 2, q. 34, a. 2 ad 1; q. 20, a. 3; q. 10, a. 3.

[2] 1 John 4, 1.

[3] *S. theol.* 2, 2, q. 94, a. 1 ad 1.

[4] Ib. q. 10, a. 5. Modern authors distinguish infidelity properly and improperly so called. "Infidelity properly so called is the lack of faith in a non-baptized man; for an unbeliever is properly called one who has not received the infused habit of faith. Infidelity improperly so called is any defect of internal faith, in which sense it comprehends also heresy and apostasy from faith." Thus Noldin, *De praeceptis* n. 26. Although in vernacular languages the unbaptized and they alone are usually regarded as unbelievers, nevertheless there is no reason why in moral Theology we should withdraw from the terminology used by St. Thomas and other older theologians.

[5] Cf. Cod. iur. can. c. 1325, § 2.

[6] *S. theol.* 2, 2, q. 12, a. 1 ad 3.

[7] Ib. q. 39, a. 1 ad 3.

[8] *Comm. in epist. ad Tit.* 3, 10.

[9] 1 Tim. 1, 6.

Article I. On paganism and Judaism

510. Proposition 1. Negative or material infidelity is not a sin.

The reason is that what is caused by invincible ignorance is not a sin. But negative infidelity arises from invincible ignorance; for if an unbeliever knows that he is in error and nevertheless does not embrace faith, he already labors under positive infidelity and not merely negative infidelity. Hence proposition (68) of Baius was condemned: "Purely negative infidelity in those to whom Christ has not been preached is a sin."[10]

Proposition 2. Positive or formal infidelity is a very grave sin.

The reason is a) because it is a grave contempt of the authority of God revealing; b) because it rejects a means altogether necessary for salvation, such as faith is; c) because on account of this infidelity man will be condemned in the other life, according to that saying: "But he who does not believe shall be condemned."[11]

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[10] Denz. n. 1068. Cf. *S. theol.* 2, 2, q. 10, a. 1.

[11] Mark 16, 16.

511. Proposition 3. a) Pagans and Jews, although they are not to be impelled violently to embrace the Catholic faith, can nevertheless be compelled not to impede Catholic worship or afflict it with reproaches;

b) by Christian princes the rites and worship of unbelievers can sometimes, for a grave cause, be tolerated.[13]

a) As to the first part of this proposition St. Thomas writes:[12] "There are some unbelievers who have never received the faith, such as gentiles and Jews; and such are in no way to be compelled to the faith so that they themselves believe, because to believe belongs to the will. Yet they are to be compelled by the faithful, if there is the ability, not to impede the faith either by blasphemies or by evil persuasions or even by open

persecutions. And on account of this the faithful of Christ frequently wage war against unbelievers, not indeed that they may force them to believe, because even if they had conquered them and had them captive, they would leave it to their liberty whether they wished to believe; but for this reason, that they may compel them not to impede the faith of Christ."

b) But as to the other part of the proposition the same Holy Doctor writes:[14] "Human rule is derived from divine rule, and ought to imitate it. But God, although He is omnipotent and supremely good, nevertheless permits certain evils to be done in the universe, which He could prohibit, lest by those evils being removed greater goods should be taken away or even worse evils should follow. Thus, therefore, in human rule those who preside rightly tolerate certain evils, lest certain goods be impeded, or even lest worse evils be incurred; as Augustine says: 'Take away prostitutes from human affairs, and you will disturb all things by lusts.' Thus, therefore, although unbelievers sin in their rites, they can be tolerated either on account of some good which comes from them, or on account of some evil which is avoided." - But a grave cause is required in order that a Christian prince can licitly sometimes tolerate the public worship of unbelievers. For the so-called unlimited "liberty of cults" has several times been proscribed by the Supreme Pontiffs, because the same liberty is not to be granted to error and truth. Thus, e.g., Pius IX in the *Syllabus* condemned the following propositions:[15] "In this our age it is no longer expedient that the Catholic religion be held as the only religion of the state, all other cults whatsoever being excluded"; "Hence it has laudably been provided by law in certain regions of Catholic name that it be permitted to men immigrating there to have the public exercise of each one's own cult"; "Indeed it is false that civil liberty of every cult, and likewise full power attributed to all of manifesting openly and publicly any opinions and thoughts whatsoever, conduces to more easily corrupting the morals and minds of peoples and to propagating the pest of indifferentism."

From this doctrine of Pius IX the Catholic Church can by no means be accused of so-called "intolerance."

For even if the Church cannot admit dogmatic tolerance, i.e. permit errors in faith to be spread, nevertheless she exercises civil tolerance, i.e. she not only tolerates non-Catholics, but also pursues them with true Christian love. Wherefore, e.g., she has never persecuted the Jews, as modern Antisemitism does.

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[13] Leo XIII teaches the same, Encyclical "Immortale Dei," November 1, 1885.

[12] *S. theol.* 2, 2, q. 10, a. 8.

[14] *S. theol.* 2, 2, q. 10, a. 11.

[15] Prop. 77-79 (Denz. n. 1777-1779).

Article II. On apostasy from faith and on heresy

512. Apostasy, which by force of the name signifies the same as departure (*apo-histamai, aphistamai*), is threefold, namely apostasy from faith,[16] apostasy from order, and apostasy from religion, according as someone culpably withdraws either from orthodox faith or from the clerical state or from the religious state. Here only apostasy from faith is treated; and this can be defined: total[17] defection from the Christian faith once voluntarily received. It is called total defection; for if someone denied one or another article of faith, he would be rather a heretic than an apostate. Nevertheless, since any Catholic man who denies even one article of faith consequently must also deny the infallibility of the Church, by that very fact he totally withdraws from the Church and the Catholic faith and becomes a true apostate. Hence the true essence of apostasy seems to consist in this, that someone voluntarily rejects the Catholic faith which he previously had.[18] Therefore he who from infancy has been baptized and reared in heresy is not an apostate, but a heretic. But for apostasy it

is not required that a man adhere to some determinate false sect, e.g. that he pass over to Judaism or Mohammedanism; rather, it is sufficient that after baptism received in the Catholic Church he fall away wholly from faith. Hence rationalists, atheists, free-thinkers, and Freemasons (at least very many) are in reality apostates from faith. What we shall say afterward about positive and formal heresy, about its malice and penalties, holds *a fortiori* of apostasy, which, as was said above n. 509 from St. Thomas, is nothing other than an aggravating circumstance of infidelity and heresy.

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[16] It is called by St. Thomas: apostasy of perfidy (*S. theol.* 2, 2, q. 12, a. 1).

[17] Thus authors commonly define apostasy, e.g. Busenbaum apud St. Alph., *Theol. mor.* 2, 17; Laymann, *Theol. mor.* l. 2, tr. 1, c. 12; Billuart, *De fide* diss. 5, a. 4; Lehmkuhl, *Theol. mor.* I, 413; Noldin, *De praec.* n. 28. The Code of Canon Law, c. 1325, § 2, speaks in the same way. A few authors also call a partial recession from faith apostasy. Cf. Lugo, *De fide* disput. 18, sect. 4, n. 96.

[18] Cf. Billuart, *De fide* diss. 5, a. 4.

513. On apostasy to the Masonic sect. The Masonic sect and other similar sects pursuing the same end have been dispersed through the whole world and already have inflicted many evils on true religion. Apparently and speciously, indeed, the Freemasons proclaim that they intend philanthropic ends and mutual assistance; but in reality they overthrow every positive religion.[19] In England and in North America the Masonic sect does not seem to plot so vehemently against true religion as in France, Spain, and other regions; but nevertheless it is never licit for any Catholic to give his name to that Masonic sect; indeed, those who give their name to the Masonic sect or to other associations of the same kind, which plot against the Church or legitimate civil powers either openly or secretly, incur an excommunication simply reserved to the Supreme Pontiff.[20] Clerics and religious giving their name to associations of this kind are besides punished with other penalties and must be denounced to the Holy Office.[21] All secret sects as such are already prohibited, even if they do not directly plot against the Church or civil government. Hence the sect whose name is "Independent Order of Good Templars" was proscribed by the Holy Office on August 9, 1893, although its principal end seems to be good, namely abstinence and temperance to be promoted.[22] The Society of Fenians ("Fenians and Invincibles"), as plotting against legitimate civil authority, was proscribed by the Holy Office on January 12, 1870, under the penalty of excommunication in the same way as the Masonic sect.[23] Notorious Freemasons cannot be admitted as sponsors in the sacrament of baptism or confirmation,[24] nor can they be granted ecclesiastical burial unless due retraction has preceded.[25] The faithful are to be deterred from marriages with them; moreover the pastor cannot assist at these marriages without the permission of the Ordinary.[26] What things are to be required from Freemasons wishing to return into the bosom of the Church will be said in the treatise on censures.[27]

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[19] In a Masonic convention held at Geneva in the year 1902 Mayoux exclaimed: "We say that a Freemason can be a materialist, yes; that he can be a positivist, yes; that he can be a deist, spiritualist, yes; but that he be Catholic, Protestant, or Jew, never" (applause). Cf. Tanquerey, *Synopsis Theol. mor.* II, n. 666.

[20] Cod. iur. can. c. 2335.

[21] Ib. c. 2336.

[22] *Collect. de Prop. Fide* n. 1845.

[23] *Collect. de Prop. Fide* n. 1350.

[24] Holy Office, July 5, 1878; *Collect.* n. 1495.

[25] Holy Office, l. c.; Cod. iur. can. c. 1240.

[26] Cod. iur. can. c. 1065.

[27] Cf. below III, 516.

514. Heresy (Greek *hairesis* = selection) designates a sect which selects certain truths of faith and rejects others. Heresy considered objectively is a proposition which contradicts some article of faith, e.g. confirmation is not a sacrament; but heresy taken subjectively, or formal heresy, with which alone we are dealing here, can be defined: the pertinacious error of a Christian man against some truth of Catholic faith. Hence for formal heresy there are required error in the intellect and pertinacity in the will, so that a Christian man, i.e. one baptized, knowingly and voluntarily denies or calls into doubt some truth which the Catholic Church teaches as a dogma of faith. Hence a formal heretic is not:

1. He who from fear, levity, or another motive outwardly denies the faith, but inwardly retains the true faith. (But in the external forum even merely external heresy is gravely punished, because by it the precept of confessing faith is gravely injured.)
2. He who from ignorance, even gravely culpable ignorance,[28] errs in faith; for pertinacity is lacking.
3. He who denies some truth which is indeed held by many as revealed, but which the Church has not yet proposed as revealed. Much less is he a heretic who denies some proposition which is only a theological conclusion.

Those who err in faith without pertinacity are accustomed to be called material heretics, provided, however, they are prepared to correct their error as soon as they have certainly recognized it. Not a few non-Catholics who from infancy have been reared in heresy and have never had any serious doubt about their religion are indeed materially heretics, but in reality belong to the Catholic Church, because they are validly baptized. In doubt whether someone is a material or formal heretic, he is to be judged a material heretic, and therefore in the article of death he can, provided scandal is absent, receive sacramental absolution,[29] though not Holy Communion. Hence, e.g., if a confessor is called to a dying non-Catholic, he could with him elicit an act of faith in God one and triune, in Jesus Christ the redeemer and rewarder, then an act of contrition for all sins committed, and afterward conditionally impart absolution to him. Thus Lacroix apud Elbel, who says:[30] "If a Catholic priest understands that a non-Catholic man has been brought to his last extremity, he acts prudently (unless something else should prevent it) by going to him, and with the same man eliciting acts of faith, hope, and charity, remaining in those [truths] which are common to us with heretics. If, however, the circumstances permit, he can afterward ask whether he would wish to embrace the saving faith, if he knew that he was not in the true faith; likewise whether he would wish to embrace all things necessary for salvation, to confess and to be absolved." On the contrary, if it is a question of heretics or schismatics who are not dying, it is forbidden to minister the sacraments of the Church to them unless first, their errors having been rejected, they have been reconciled to the Church.[31]

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[28] Several authors, such as Lugo (*De fide* disp. 20, sect. 6, n. 174), Banez, Suarez, Azor, etc., thought that any ignorance, even crass and affected ignorance, excused from heresy and the penalties of heretics. But such ignorance certainly is gravely sinful and injures the precept of knowing those things which are of faith, nor today does it excuse from the penalties laid against heretics.

[29] Cf. Holy Office, July 20, 1898.

[30] *De fide*, Conference I, n. 35.

[31] Cod. iur. can. c. 731, § 2.

515. Divisions. Heresy is divided: a) into material and formal, about which it has already been said above. The first is involuntary error, or at least error without pertinacity; the other is voluntary and pertinacious

error of a baptized man in faith.

b) Into internal and external. Internal heresy is error against faith existing in the mind alone, without being manifested by any external sign. External heresy is error against faith manifested by word or by another external sign.

c) Into occult and public. Thus external heresy is subdivided; it is occult if it becomes known to no one or to few; but if it is known to many, so that it can no longer be concealed, it is called public.

Note. For incurring the guilt of heresy internal voluntary heresy suffices; but for incurring the ecclesiastical penalties laid against heretics, external heresy at least occult is required and suffices. The reason is that the Church is not accustomed to punish except external acts. Hence if someone, e.g., freely and culpably thinks that the Supreme Pontiff lacks the gift of infallibility, he incurs grave guilt of heresy; but if he expresses the same heresy by some sign, even occult, he incurs besides the penalty of excommunication (the other requisites being posited).

516. Malice of heresy. 1. **Formal heresy is a sin mortal from its whole genus,** and therefore it does not admit smallness of matter.

The reason is that it contains formal contempt of the truthfulness and authority of God. Wherefore St. Thomas rightly writes:[32] "Someone sins more gravely against faith who resists faith received than one who resists faith not yet received, just as one sins more gravely who does not fulfill what he promised than one who does not fulfill what he never promised.... Hence, speaking simply, the infidelity of heretics (and *a fortiori* the infidelity of apostates) is worst." Apostasy does not differ specifically from formal heresy, but is its very aggravating circumstance (as was already said above n. 509), especially if it is apostasy to Judaism or paganism.

2. **Material heresy is not a sin,** because it is not voluntary.

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[32] *S. theol.* 2, 2, q. 10, a. 6.

517. Ecclesiastical penalties. Formal heretics and apostates who have manifested heresy publicly or at least externally incur:

1. Excommunication *latae sententiae* reserved to the Supreme Pontiff in a special manner.[33]
2. Privation of benefices, dignities, pensions, offices, or other ecclesiastical functions, unless, having been admonished, they repent.[34]
3. Infamy of law and incapacity of giving a vote in ecclesiastical elections, if they have given their name to a heretical or schismatical sect or have publicly adhered to it.[35]
4. Deposition or degradation for clerics who, having been admonished, have not repented.[36]
5. Irregularity, both from delict[37] and from defect, if they have given their name to a non-Catholic sect or have publicly adhered to it, on account of infamy of law.[38]
6. Privation of ecclesiastical burial. For notorious heretics are judged to be public sinners, to whom ecclesiastical burial is to be denied. The reason is that heretics, as being externally separated from the Church in life, also in death and in the cemetery cannot be joined with the Christian faithful.[39]

There are or have also been other penalties laid against heretics, which nevertheless are nothing other than consequences of the aforesaid penalties, and today are not reduced into practice, e.g. confiscation of goods,

incarceration, beating. To judge and punish the crime of heresy, tribunals of the Inquisition had been instituted in antiquity. Not a few judges of those tribunals were slain by heretics in hatred of the faith (St. Peter Martyr, Bl. Antonius Pavonius, Bl. Bartholomaeus Savilianus). According to modern discipline, such tribunals of the Inquisition now no longer exist in the diverse parts of the world, but it belongs to bishops to watch in their own diocese over the purity of faith. But at Rome there exists the Congregation of the Holy Office, to which causes pertaining to faith are committed.

On absolution from the sin of heresy see the treatise on censures.

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[33] Cod. iur. can. c. 2314, § 1, n. 1.

[34] Ib. n. 2.

[35] Ib. and c. 167, § 1, n. 4. On account of infamy of law such heretics incur also other penalties, e.g. they are incapable of ecclesiastical offices and benefices (c. 2294), of the function of sponsor (cc. 765 and 795), of the personal right of patronage (c. 1453, § 1).

[36] Ib. c. 2314.

[37] Ib. c. 985, n. 1.

[38] Ib. c. 984, n. 5.

[39] c. 8, X 5, 7. Cod. iur. can. c. 1240, § 1, n. 1.

518. Scholion 1. On propositions qualified by a theological note. A formal heretic is he who pertinaciously denies some revealed truth, as has already been said. But sin is committed not only when a certainly revealed truth is rejected, but also when that is rejected which is, as it were, a consequence of those truths; and therefore the Vatican Council says: "Since indeed it is not enough to avoid heretical depravity, unless those errors also are diligently fled which more or less approach it, we admonish all of the duty of observing also the constitutions and decrees by which perverse opinions of this sort, which are not expressly enumerated here, have been proscribed and prohibited by this Holy See."[40] The same thing Pius IX had already said before in the letter to the Archbishop of Munich, December 21, 1863, in these words: "Since there is question of that subjection by which all Catholics are bound in conscience, ... therefore the men of the same convention ought to recognize that for learned Catholics it is not enough that they receive and venerate the aforesaid dogmas of the Church, but that there is also need that they subject themselves both to decisions which, pertaining to doctrine, are set forth by the Pontifical Congregations, and to those heads of doctrine which are retained by the common and constant consent of Catholics as theological truths and conclusions so certain that opinions opposed to the same heads of doctrine, although they cannot be called heretical, nevertheless merit another theological censure."[41]

Propositions opposed to Catholic doctrines are called:

a) **Heretical**, if they are directly opposed to a certainly revealed truth.

b) **Proximate to heresy**, which, although they are not opposed to a certainly revealed truth, nevertheless are opposed to doctrine which most theologians defend as pertaining to faith, e.g. he who asserts that the Pope errs in the canonization of saints.

c) **Erroneous**, which are opposed to a theological conclusion deduced from two premises, of which one is of faith and the other is certain by the light of natural reason, e.g. the Blessed Virgin descended carnally from Adam. Therefore she had the debt of contracting original sin (although by a special privilege she never in fact contracted original sin).

d) **Proximate to error**, which are opposed to a conclusion deduced from two premises, of which either the one is not certainly revealed or the other is not certainly evident, e.g. if someone asserted that no other sin excludes from heaven except sin committed from obstinate malice.

e) **Temerarious**, which either are opposed to the common doctrine of theologians or which the institutions and customs of the universal Church disapprove, e.g. if someone asserted that some other saint besides the Blessed Virgin was conceived without original sin.

Not rarely also other censures have been branded upon false propositions; e.g. they are called: offensive to pious ears, scandalous, blasphemous, seditious, captious, etc.[42] All these indeed are understood easily enough. The general rule is: He who pertinaciously defends as true some proposition proscribed by the Church undoubtedly sins and is subject to ecclesiastical penalties[43] (e.g. he is kept away from the ministry of preaching), yet he is not a heretic unless he voluntarily assents to a proposition truly heretical.

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[40] Const. "Dei Filius" at the end (Denz. n. 1820).

[41] Denz. n. 1684.

[42] Cf. De Groot, *Summa apologetica* q. 10, a. 5; J. Mayol O. Pr., *Summa mor. circa Decal.* disput. praelimin., a. 3.

[43] Cod. iur. can. c. 2317.

519. Scholion 2. On the decisions of the Sacred Congregations in matters of faith. The Supreme Pontiff does not always judge about matters pertaining to faith and morals directly by himself, but quite often through the Roman Sacred Congregations, especially through the Holy Office; e.g. about the authenticity of the Johannine Comma, about the unlawfulness of craniotomy, etc. Certainly no Roman Congregation has the gift of infallibility; nevertheless, since according to the Code of Canon Law, c. 244, § 2, any resolutions of those Congregations, if they are of greater moment, receive Pontifical approbation, it would be temerarious and sinful either inwardly not to assent to them or outwardly to contradict them. Indeed, even those decisions of the Sacred Congregations which are not expressly approved by the Supreme Pontiff are to be received with great reverence, since they have been issued by most worthy ecclesiastical assemblies or tribunals.

520. Scholion 3. On doubt in faith. Since Catholic faith is most certain, there can never be present a just cause for calling it into doubt;[44] and therefore every voluntary doubt about it is gravely sinful. Nevertheless the following things are to be attended to:

a) A Catholic who positively doubts some proposition which he certainly knows to have been proposed by the Church as an article of faith is a heretic.[44a] It is clear; for by such doubt the formal object of faith is destroyed, namely the infallibility of God revealing. Hence that adage: "One doubtful in faith is an unbeliever."

b) A Catholic who negatively doubts some article of faith, e.g. who suffers difficulties and grave temptations in believing which he does not sufficiently overcome, is not yet a heretic, since he is not pertinacious; nevertheless he is bound according to his powers to evade doubts of this kind. But if he conducts himself remissly, he sins venially or mortally, according to the danger of losing faith.

c) A non-Catholic who positively doubts about the truth of his sect is bound seriously to investigate the true religion. But if he neglects this, he does indeed sin, but he does not yet seem to be a formal heretic, since pertinacity in his error is lacking. Therefore he can be held as a material heretic (and consequently not bound by excommunication) as long as he has not certainly recognized the falsity of his sect and nevertheless refused to embrace the true faith. Since it is often difficult to determine whether error in faith is really pertinacious, to

heretics returned into the bosom of the Church absolution is accustomed to be given from censures which perhaps they incurred.

Scholion 4. On blasphemy. As a sin opposed to confession of faith, blasphemy is adduced by the Angelic Doctor.[45] But since blasphemy is also opposed to the virtue of religion, below II 529 sqq. in the treatise on the virtue of religion we shall deal with it.

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[44] Conc. Vat. sess. 3, cap. 3 (Denz. n. 1794).

[44a] Cf. Cod. iur. can. c. 1325, § 2.

[45] *S. theol.* 2, 2, q. 13.

Article III. On dangers of faith

521. Preliminary note. Since faith is so necessary for obtaining salvation, it follows at once that man is bound with all diligence to avoid the proximate dangers of faith. Such dangers are either internal, e.g. pride, cupidity, an unregulated life; or external, of which the principal are: 1. association or communication with heretics and unbelievers, 2. attendance at non-Catholic schools, 3. reading of bad books, 4. marriages entered with heretics or unbelievers. About each we shall say a few things. By way of scholion we shall treat of the internal dangers of faith.

§ 1. On communication with unbelievers and heretics

522. Distinctions. First of all, a twofold communication with heretics and unbelievers is distinguished: the one civil or profane, the other religious or in sacred things. Civil communication is had in matters pertaining to civil life, e.g. in commerce, cohabitation, and especially in continuous friendly conversation. Religious communication or communication in sacred things is had in matters pertaining to religion and worship. This again is twofold: positive, when a Catholic participates in heretical or unbelieving worship, e.g. when a Catholic receives the Protestant supper; negative, when a non-Catholic participates in Catholic sacred ceremonies or spiritual goods, e.g. when a heretic assists at the sacrifice of Mass. Positive religious communication is again distinguished as twofold: formal and material. The first is present when a Catholic participates in non-Catholic worship with the true intention of worshiping God according to the manner of non-Catholics. The other communication, namely material, exists if a Catholic only externally assists for sufficient reasons, without inwardly or positively wishing properly to participate in heterodox worship. This communication is called in the Code of Canon Law (c. 1258, § 2) passive and material assistance.

523. General rules. 1. **Civil communication between Catholics and non-Catholics (whether heretics or unbelievers) is now not prohibited by ecclesiastical law;**[46] often, however, from natural and divine law it is illicit, as being full of dangers of perversion.

It is established by experience that from such civil communication (at least if it is frequent and familiar) there arise doubts about faith, indifferentism, and other manifold inconveniences, indeed not rarely total defection from the Catholic faith. Therefore unless some necessity or great utility compels, that communication is to be avoided according to the admonition of St. Paul: "Avoid a heretical man."[47] Hence parents should take care that sons and daughters not have special familiarity with non-Catholic companions. Likewise, unless true necessity exists, Catholic workers should not give their name to so-called interconfessional societies (*interkonfessionelle Gewerkschaften*).[48]

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[46] Civil communication with pagan unbelievers was never prohibited by ecclesiastical law; but communication with Jews and heretics in antiquity was forbidden, and indeed communication with notorious heretics under the penalty of minor excommunication (cf. c. 2, X 2, 25; c. 31, X 5, 39). - Martin V (Const. "Ad evitanda," 1418) permitted civil communication with tolerated excommunicates and excluded from this communion only excommunicates to be avoided and public assailants of clerics. According to present discipline an even milder practice obtains, since civil communication even with excommunicates to be avoided is licit, provided, however, a reasonable cause is present (Cod. iur. can. c. 2267). - According to the old ecclesiastical discipline Christians could not cohabit with Jews in the same house, nor be present at their banquets, use a common bath, serve them, employ them as physicians, and Christian women were prohibited from being nurses of Jewish infants. These prohibitions indeed were very good, but the Church never persecuted the Jews, as modern Antisemitism does.

[47] Tit. 3, 10.

[48] Pius X, "Singulari quadam," September 24, 1912.

524. 2. **Negative religious communication with heretics (except excommunicates to be avoided), speaking generally, is licit.**

The reason is that from such communication prudently admitted, not inconveniences but rather precious advantages are accustomed to arise. Therefore non-Catholics can be present at Catholic sacred ceremonies, e.g. they can assist at Mass, hear sermons in our churches, etc. Indeed the Church desires that non-Catholics devoutly be present at our religious functions; for in this way, seeing the beauty of our worship, they will more easily be converted to the true religion. Nevertheless non-Catholics cannot publicly participate in the sacraments, in sacramentals, in indulgences, and in other graces, because favors of this kind are not conceded except to true members of the Church. But nothing prevents non-Catholics from privately receiving sacramentals, blessings, e.g. holy water, blessed medals, etc.,[49] provided abuse is guarded against.

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[49] Cod. iur. can. c. 1149, 1152.

525. The following statutes of ecclesiastical law are to be noted:

a) A heretic cannot validly be admitted as sponsor in baptism; indeed baptism is rather to be administered without a sponsor than with a heretical sponsor.[50] But nothing prevents a heretic from being present at baptism, e.g. as a witness.

b) With a grave cause being added and scandal being absent, non-Catholics can be witnesses in the marriage of Catholics.[51] But "it is illicit in sacred functions to invite heretics into the choir, to sing alternately, to give them the peace, sacred ashes, blessed candles and palms, and other things of this kind of external worship, which are rightly and deservedly judged signs of an interior bond and agreement, both in an active sense, namely by giving similar things to them, and in a passive sense, by receiving them from them in their sacred rites."[52] Today a milder discipline is in force concerning sacramentals.

c) It is not permitted to non-Catholics to carry torches or lights at liturgical functions,[53] nor to be enrolled in confraternities or pious associations.[54]

d) The custom of employing non-Catholic singers in liturgical chant the Holy Office on May 1, 1889, declared to be an abuse to be removed;[55] but on January 24, 1906, taking account of peculiar circumstances, it permitted schismatic girls together with Catholics to sing in the parish church at ecclesiastical functions and especially at exposition and benediction with the Most Holy Sacrament.[56]

e) After solemn Mass and at benediction of the Most Holy Sacrament it is licit to sing publicly for the king of England: "Lord, save our king," etc., and to pray for him by name.[57] Likewise the bishop and clergy can

accompany a non-Catholic king to a Catholic church, provided the king does not mingle himself with Catholic prayers and rites.[58]

f) If a Catholic organist is lacking, a non-Catholic musician can temporarily be admitted to the office of organist in a church, provided the danger of scandal is removed.[59]

From all these decisions it appears that the Church without great difficulty sometimes permits to heretics negative communication in our sacred ceremonies, provided scandal is absent.

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[50] Holy Office, June 27, 1900 (*Anal. eccl.* IV [1901] 14); Holy Office, May 3, 1893 (*Collect. de Prop. Fide* n. 1831). Cod. iur. can. c. 765, n. 2.

[51] Holy Office, August 19, 1891 (*Collect. de Prop. Fide* n. 1765).

[52] Holy Office, June 22, 1859 (ib. n. 1176).

[53] Holy Office, November 20, 1850 (ib. n. 1053).

[54] Cod. iur. can. c. 693.

[55] Cf. also Holy Office, June 30 and July 7, 1864 (ib. n. 1257).

[56] *Collect. de Prop. Fide* n. 1703 and 2227.

[57] February 23, 1820 (ib. n. 739).

[58] Holy Office, June 22, 1864 (ib. 1256).

[59] Holy Office, February 23, 1820 (ad 3).

526. 3. **Formal communication in sacred things, positive and active, is by no means licit.**

The Code of Canon Law c. 1258, § 1 has these words: "It is by no means licit for the faithful in any way actively to assist or to have a part in the sacred rites of non-Catholics." For often such positive assistance is nothing other than a denial of the Catholic faith through internal and external profession of a false religion. Hence, e.g., it is not licit to perform circumcision according to the manner of the Jews; but it is licit to procure a surgical operation similar to circumcision for the sake of health.

Even when denial of faith is absent, communication of this kind is prohibited, a) because often there is present danger of perversion; b) because scandal easily arises for the faithful; c) because at least some external approbation of heretical worship is included in such communication. Hence the following decisions of the Holy Office were issued:

a) It is absolutely not licit, either by oneself or through others, to perform the office of sponsor in baptisms which are administered by heretics to the children of heretics.[60] The reason is obvious. For the sponsor offers the one to be baptized for baptism and therefore in the case would offer the infant to a heretical minister, which certainly is not licit. Besides, the sponsor must according to his powers take care that the baptized person be educated in the Catholic faith; which would be impossible for him. But it is licit that a Catholic be a witness in a non-Catholic baptism, because this seems to be nothing other than a civil function.

b) It is not licit to contract marriage before a non-Catholic minister; moreover he who nevertheless does this incurs an excommunication reserved to the Ordinary.[61] The Holy Office on January 14, 1874, declared that it can be tolerated that Catholics be present at heretical marriages and also mixed marriages contracted before a non-Catholic minister only for the sake of a civil office, "scandal and every danger of perversion and contempt of ecclesiastical authority being removed."[62]

c) It is licit that Catholics be present at the funerals of heterodox persons,[63] provided there is no question of those merely civil obsequies "from which, for the display of unbelief and in contempt of religion, every sacred rite and minister is deliberately excluded."[64] But those Catholics act gravely illicitly and are suspect of heresy who call a non-Catholic minister to perform the funeral of a Catholic parent or relative deceased, to whom ecclesiastical burial has been denied, e.g. on account of cremation of the body.

d) It is not licit in the churches of heretics, when false worship is exercised there, to play the organ,[65] or to pray and sing, although in the prayers and songs nothing heretical is found.

e) Religious sisters serving in the care of the sick cannot call a minister of false religion for a non-Catholic sick person who has requested the same minister,[66] but they must conduct themselves passively. For in those cases it is better that the religious sister help the sick person to elicit an act of contrition than that she call a non-Catholic minister, who has no power of administering the sacraments. But if the sick person absolutely demands that the non-Catholic minister be called and great inconveniences arise from refusal made by the sister, then the religious sister can by herself or through another person announce this desire of the sick person to the non-Catholic minister. The reason is that such an announcement is only an action indifferent in itself, which it is licit to posit from a reasonable cause.[67]

f) From a grave cause the bishop can permit so-called simultaneity, i.e. that Catholic rites be performed in a church which also serves a heterodox rite. Thus in Jerusalem in the church of the Holy Sepulchre all sects perform their rites. Certain cautions, however, are customarily attached in such simultaneity.[68]

g) It is licit to swear by touching and kissing the Bible of heretics, as is the custom in England.[69]

h) Catholic pupils who in Russia were being compelled together with non-Catholic pupils to participate in non-Catholic rites, to kiss the cross presented by a non-Catholic minister, to genuflect, to receive blessed loaves, etc., were bound according to their powers to abstain from all these things, but they could be left in good faith if, having been admonished, they did not avoid these actions on account of the necessity imposed on them.[70]

i) **It is prohibited to laymen to dispute publicly with heretics about matters of faith,** since from disputes of this kind rarely does anything good, but most often something very bad, come forth.[71] But Catholics provoked to this can indeed have private disputations, i.e. before a few hearers, about faith with heretics, but not public ones without express permission of the Supreme Pontiff, or, if the case urges, of the local Ordinary.[72]

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[60] Holy Office, May 10, 1710 and July 7, 1864 (*Collect. de Prop. Fide* n. 478 and 1257).

[61] Cod. iur. can. c. 2319.

[62] *Collect. de Prop. Fide* n. 1410. Cf. also Cod. iur. can. c. 1258, § 2. Wherefore in these cases and under these conditions it is licit for Catholics to perform the office of maid of honor, etc., commonly bride's-maid or best man.

[63] Cod. iur. can. c. 1254, § 2.

[64] Holy Office, May 11, 1892.

[65] S. C. de Prop. Fide, June 19 and July 8, 1889 (*Collect.* n. 1713).

[66] Holy Office, December 19, 1898 (ib. n. 2030).

[67] Thus also Genicot, *Cas. consc.* I, 204. Indeed Lehmkuhl (*Theol. mor.* n. 810-811) thinks that from a wholly grave cause it is licit that a sister can, in similar circumstances, prepare for a non-Catholic minister the table on which he wishes to perform his rite, and during the rite itself present the utensils, bread, and wine. - Yet not all these things seem to be admitted. Certainly a sister can

prepare the table, because this is an indifferent action, but during the heretical rite itself she cannot licitly minister actively, because this is proximate cooperation in the heretical rite itself, which does not seem to be licit. For if it is not licit in the churches of heretics, when false worship is exercised there, to play organs, *a fortiori* it seems illicit to cooperate so proximately in the Protestant supper. Besides, according to the prescription of the Holy Office repeated several times, sisters must conduct themselves passively in such a case. Is to cooperate so proximately to conduct oneself passively?

[68] Cf. Holy Office, June 5, 1889 (*Collect.* n. 1707).

[69] Holy Office, February 23, 1820 (ib. n. 739).

[70] Holy Office, April 26, 1894 (ib. n. 1868).

[71] c. 2, V, 2 in VI. If, however, there is hope of fruit either in those provoking or in the hearers, a layman can privately dispute with heretics to defend the Catholic faith.

[72] Cod. iur. can. c. 1325, § 3. On the unhappy result of several religious disputations see Wetzer and Welte, *Kirchenlexicon*, s.v. "Disputation."

527. 4. **Material communication, which is by accident and passive, is licit, provided a sufficient cause is present.**

The reason is that such communication is an action honest in itself or at least indifferent, to which it happens that it is joined with some heterodox rite.

Hence the following actions are licit for a Catholic, provided sufficient reasons are present and scandal is absent: to visit churches of heretics for looking at paintings, statues, and other works of art, or for listening to music; to hear, when occasion is given, sermons of heretics, if danger of perversion is absent (nevertheless in practice in this case every danger of perversion is in reality rarely absent, even if such a sermon is heard by means of the new invention which is called "Radio"); to assist at other liturgical functions, if a sufficient cause is present. Thus, e.g., soldiers or pupils who are led in a group to such functions and cannot withdraw without grave inconvenience assist licitly. On this matter the Holy Office teaches on January 13, 1818:[73] "To go to the churches of heretics is an act indifferent in itself, which becomes evil only from an evil end or from circumstances. Namely it becomes evil: 1. if someone goes to them with the intention of assisting at the sacred functions of heretics; 2. or even without such intention, if the entrance itself into the churches of heretics brings in, or seems to bring in, some communication with heretics in divine things, and hence gives occasion of scandal; 3. or if such going is ordered by a heretical government as a protestation of the same faith and religion between Catholics and non-Catholics; 4. or if each is commonly regarded as a token of one and the same communion of Catholics and non-Catholics."

Note. Since today almost innumerable cases can happen in which Catholics communicate with heretics, and since it is not easy to determine in each case whether licit or illicit communication is present, the rules concerning the indirect voluntary must be kept before one's eyes: It is licit to posit an action from which a double effect follows, one good and the other bad, if the action is honest in itself or indifferent, if a sufficient cause is present, and the bad effect is not intended. Especially also to be guarded against are both danger of perversion and scandal of one's neighbor. From these things said it follows that it is not licit to infer, e.g.: Visiting a Protestant church is licit in such a place and for such a person. Therefore the same thing is licit for anyone and in any place. It belongs to a prudent man, and especially to a confessor or bishop, to judge whether in a particular case all the conditions necessary for rendering some communication with heretics licit are present.

[73] *Collect. de Prop. Fide* n. 727.

§ 2. On attendance at non-Catholic schools

In our times the school is a most fertile field both for good morals and sound religious doctrine and for the corruption of all morality and religion. All the enemies of the Church, plainly recognizing this most powerful efficacy of the school, with united forces strive that the Catholic faith and religion be rooted out from the minds of adolescents. Hence it is plainly evident what vehement dangers arise for adolescents from attendance at bad schools.

Non-Catholic schools are of diverse kinds: 1. positively non-Catholic and harmful, in which heresy or infidelity is openly and deliberately taught. Such are the so-called confessional schools of Protestants and unbelievers; 2. neutral (simultaneous, parity, mixed), which in instruction abstract from every positive religion and provide only profane instruction.[74]

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[74] Proposition (48) of the *Syllabus*, condemned by Pius IX, must be attended to: "To Catholic men that plan of educating youth can be approved which is separated from the Catholic faith and from the power of the Church, and which regards only the knowledge of natural things and the ends of earthly social life alone, or at least primarily" (Denz. n. 1748).

528. Principle. It is never licit to attend schools in which the proximate danger of perversion cannot be removed.[75]

The reason is obvious; for it is not licit to expose oneself to the proximate danger of perversion. - Almost always positively non-Catholic schools introduce such proximate danger of perversion, because in them heresy is deliberately defended, pupils are compelled to recite heretical prayers and to be present at false rites. Hence it is not licit except in great necessity to attend such non-Catholic schools, and indeed with necessary cautions having been posited.

Nor are neutral schools always free from proximate danger of perverting adolescents. For in those schools almost necessarily indifferentism is fostered in the hearts of the pupils, who see teachers and fellow-pupils not caring much about religion or even openly attacking it. Besides, the dignity of religion is diminished in the minds of adolescents if they see it, as lacking public honor, relegated within domestic walls. Then not rarely also the good morals of the pupils are placed in great danger, since it is most difficult without the help of religion to restrain disordered passions so vehement in youth. From this it is clear that even in neutral schools proximate danger of perversion is often present, and therefore attendance at them is evil. Hence deservedly the Plenary Council of Latin America, celebrated in the year 1899, decreed:[76] "Therefore Catholic parents and guardians of pupils, with every authority by which we have power, we not only exhort but command, to keep away the offspring committed to them from schools in which the authority of the Church and the salutary influence of our religion are excluded, unless perhaps the circumstances are such that, for a sufficient cause approved by the bishop and with opportune cautions and remedies, attendance at schools of this kind in particular cases and for a time can be tolerated." Similar things the Roman Curia established on repeated occasions.[77] - From these things it is clear that judgment concerning the quality of a school and concerning the sufficiency of causes pertains to the Ordinary of the place, and not to anyone else. Thus also the Code of Canon Law, c. 1374, expressly decreed.

It can scarcely be said in which neutral schools the dangers of perversion are greater: whether in primary and secondary schools, or in Academies and Universities. Nevertheless, since today there are few Catholic Academies and Universities, more easily because of dire necessity are young men excused who attend neutral Universities and Academies. Parents who without sufficient reason send their children into neutral schools sin

gravely and are not worthy of absolution. The reason is that they expose their children without sufficient reason to danger of perversion.

The means by which the proximate danger of perversion can be removed are: a) diligently to watch lest Catholic pupils suffer harm from bad books, bad fellow-pupils, irreligious teachers; b) to instruct Catholic pupils sufficiently from elsewhere in religion and good morals; c) to induce Catholic pupils to frequent reception of the sacraments and to a pious life.

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[75] In almost the same words the Instruction of the Sacred Congregation of Propaganda Fide to the bishops of the United States of North America, November 24, 1875, approved by Pius IX, speaks about this matter: "But unless this danger of perversion is made remotely proximate, such schools cannot be attended with a safe conscience. This even the natural and divine law itself proclaims."

[76] n. 667.

[77] The cited Instruction of the Sacred Congregation of Propaganda Fide; Instruction of the Holy Office to the bishops of Switzerland, March 21, 1866; Cod. iur. can. c. 1374.

529. Offices in non-Catholic schools. Here the question arises whether a Catholic can licitly undertake the office of teacher or inspector in schools of this kind, non-Catholic or neutral. - In every case a proportionately grave cause is required so that a Catholic can cooperate in those schools so dangerous. In higher schools and in Academies and Universities today in mixed regions a sufficient cause can quite easily be present for a Catholic to assume the office of teacher. Hence in Germany, England, Switzerland, Holland, America, etc., we see distinguished Catholic men as teachers in neutral Gymnasia and Universities. But in Catholic regions, if scandal arises from undertaking such a function, it is not licit for a Catholic to be a teacher in schools of this kind. But in positively non-Catholic schools and in neutral primary schools a Catholic very rarely and not except from a very grave cause can licitly assume the office of teacher, since he is accustomed to cause grave scandal, to furnish cooperation to evil, and to cast himself into danger of his own perversion.

"Whether it is licit for a priest to hand down specially the documents of Christian faith to Catholic pupils of [neutral] schools, whether within their enclosures or elsewhere, as when they have been called together in a church for this, or to perform for them any function of chaplain (*aumonier*)?" The Holy Office on March 21, 1866, responded: "Affirmatively, and according to the mind: the mind is that care is to be taken that not only priests but also honest laymen of known religion, so far as this can be done, be placed over the schools for handing down Christian faith and also other disciplines; but so that every fear of scandal may cease, the people must be admonished that this is done so that the evils which flow from schools of this kind may be averted as far as can be done; and that this consequently ought not be an excuse to anyone for not sending their children to purely Catholic schools, in which their faith and morals are in no way endangered."[78]

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[78] *Collect. de Prop. Fide* n. 1286.

§ 3. On the reading of heretical books

530. Already for centuries[79] the Church with watchful vigilance has proscribed bad books and forbidden the reading of them under grave penalties. There will be speech below about those ecclesiastical penalties in the treatise on censures. Almost nothing is so pestiferous for true religion and good morals as the reading of bad books. Hence Leo XIII says: "In the struggle [against the doctrine of Christ] the wiles and arts of harming of the enemies are indeed various and innumerable; but among the first is the full-of-dangers intemperance of writing and disseminating among the people the things which have been written badly. For nothing more pernicious can be thought of for staining souls through contempt of religion and through the many

allurements of sinning."[80] The same Pontiff established certain new general rules for discerning the categories of prohibited books. These rules indeed are renewed in the Code of Canon Law c. 1399. Thus are prohibited, e.g.: "Books of any writers whatsoever defending heresy or schism, or in any way overthrowing the foundations of religion itself; books which deliberately attack religion or good morals; books of any non-Catholics whatsoever which professedly treat of religion, unless it is certain that nothing against the Catholic faith is contained in them; ... books which establish as licit duel, suicide, or divorce, which treat of Masonic sects or other societies of the same kind and contend that they are useful and not pernicious to the Church and civil society; books which professedly treat, narrate, or teach lascivious or obscene matters." - All these books are prohibited on account of the imminent danger to faith and good morals. But if in a particular case for an individual man such danger does not exist on account of the firmness of his character, nevertheless the law of prohibition perseveres.[81] But then the faculty of reading prohibited books is easily obtained from the competent authority, if a reasonable cause exists.

Note. No more efficacious way is given of preventing the reading of bad books and papers than to provide good books for the people to read, and especially good daily or periodical papers. Hence with the best fruit in diverse regions associations operate for spreading good books.[82]

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[79] On the history of the prohibition of books, see Jos. Hilgers, *Der Index der verbotenen Bucher* (Freiburg, 1904), 2 sqq., *Geschichtl. Uberblick des kirchl. Bucherverbotes.*

[80] Const. "Officiorum et munerum," January 25, 1897.

[81] Compare what was said above (n. 218) about law founded on the presumption of common danger.

[82] E.g. in Germany: the Borromaeusverein; in other regions: *l'oeuvre de la bonne presse.*

§ 4. On marriages entered with heretics and unbelievers

531. Another and indeed disastrous danger of perversion in faith is mixed marriages, of which Pius IX says: "All know what the Catholic Church herself has constantly thought about marriages of this kind between Catholics and non-Catholics, since she has always disapproved them and held them as illicit and plainly pernicious, both on account of shameful communication in divine things, and on account of the impending danger of perversion for the Catholic spouse, and on account of the depraved education of offspring."[83] - But to avoid greater evils, e.g. concubinage, Holy Mother Church sometimes tolerates mixed marriages, certain cautions having been employed by which the proximate danger of perversion is removed. About these cautions (which are: a serious and trustworthy promise that all offspring to be born be educated in the Catholic faith, and that the Catholic party be able freely to exercise his or her religion) there will be a broader discussion in the treatise on marriage, III 784 sqq.

The Church by her laws established the following for preventing mixed marriages between Catholics and non-Catholics: a) marriage between a Catholic and a non-baptized unbeliever is null (the diriment impediment of disparity of cult); b) marriage between a Catholic and a baptized non-Catholic is gravely illicit (the prohibiting impediment of mixed religion), unless a legitimate dispensation has preceded; c) if, after marriage has already been contracted, one spouse falls away from the true faith and slips into heresy or apostasy, divorce as to bed and habitation is permitted.[84] He who enters a mixed marriage without due dispensation of the Church or without the due cautions being seriously furnished sins gravely and is excluded from legitimate ecclesiastical acts (e.g. from the function of sponsor) and sacramentals;[84a] but he who enters such a marriage before a non-Catholic minister incurs excommunication reserved to the Ordinary.[85]

Note. In some regions there exists a laudable use that every year on the Sunday when the Gospel about the wedding at Cana is read, a special instruction be had for the Christian people about the dangers of mixed marriage. Confessors and pastors of souls should strive to deter the faithful from mixed marriages and in giving religious instructions should often speak about the dangers of those marriages.[86]

[83] Instruction, November 15, 1858 (*Collect. de Prop. Fide* n. 1169).

[84] Cod. iur. can. c. 1131, § 1.

[84a] Ib. c. 2375.

[85] Ib. c. 2319, § 1, n. 1.

[86] Ib. c. 1064.

532. Scholion. On certain internal dangers of faith. Besides external dangers of faith there also exist internal harms, of which the principal are: pride and an unregulated life.

1. That pride very much obstructs faith can easily be understood; for faith, as being the argument of things not appearing, requires humble subjection of the will and intellect, which indeed is most difficult for a proud man. Hence we see simple and pious men often have a more lively faith than the wise of this world, who not rarely in supernatural matters favor agnosticism rather than faith. Likewise from history it is established that even most learned theologians have lost the true faith through pride.

2. That an unregulated life weakens true faith appears from the fact that faith threatens most severe penalties to those who transgress the commandments of God. Furthermore, those threats greatly torture the sinner, who therefore tries to drive them away by doubting about faith or even by wholly denying revealed truths. Since these things are so, it is obvious why in our times men so numerous, given over to vices and pleasures, have suffered shipwreck in faith. St. John Chrysostom[87] speaks about this matter in these excellent words: "Faith has need of the help of the Holy Spirit and of perseverance, so that it may remain unshaken. But the help of the Spirit is accustomed to be retained among us by purity of life and uprightness of morals. Wherefore, if we desire to have faith deeply rooted, we have need of a pure manner of living, which retains the Spirit of God, on whom it is established that the whole force of faith depends; for it is certainly impossible, if you lead a wicked life, not to waver in faith. And that you may know this to be true, namely that evil works vehemently impede the strength of faith, hear what Paul says writing to Timothy: 'That thou mayest war in them a good warfare, having faith and a good conscience [but a good conscience is obtained through a pious life and good works], which [good conscience] some, he says, rejecting, have made shipwreck concerning the faith.'[88] And again elsewhere: 'The root of all evils is cupidity, which some seeking have erred from the faith.'[89] You see that both those men made shipwreck on that account, and these wandered away on account of this very thing, because the former rejected a good conscience, but the latter adhered to cupidity. Thinking upon all these things, we should have great care for arranging life as excellently as possible, so that a double reward may come to us: one from the recompense of works, the other from the strength of faith. For as nourishment is related to the body, so a right life is related to faith; and just as the nature of our flesh cannot endure without nourishment, so neither can faith without good works."

[87] Homily on the words of the Apostle (Migne, *Patr. graec.* 51, 280 sq.).

[88] 1 Tim. 1, 18 sq.

[89] 1 Tim. 6, 10.

Treatise VIII. On theological hope and the vices opposed to it

Cf. St. Thom., *S. theol.* 2, 2, q. 17-22; *Quaest. disp. de spe*; Billuart, *Tract. de spe*; Gopfert, *Moraltheol.* I, § 49 sq.; Schiffini, *De virtut. infusis* (1904); Th. Bouquillon, *De virtut. theol.* (1890); Tanquerey, *Synops. Theol. mor. de virtute spei*; O. Schilling, *Lehrbuch der Moraltheol.* II, § 72 sqq.

Connection of the matter. The virtue of hope is intimately connected with theological faith. For according to St. Paul,[1] faith is the substance of things to be hoped for, i.e. the foundation of our hope; for by faith man knows the heavenly goods stored up for all those who keep the commandments of God; likewise from faith we know that those goods are possible for us to obtain, although they are very arduous. From this knowledge there arises a vehement desire of obtaining those goods; and this desire arisen from theological faith is hope. Wherefore faith necessarily precedes hope (*S. theol.* 2, 2, q. 17, a. 7), and not unfittingly faith is called the mother of hope.

[1] Hebr. 11, 1.

533. Preliminary notes on the name and notion of hope. The name of hope is taken in diverse ways, namely according as it is:

1. A passion of the irascible appetite, which is defined by St. Thomas:[2] "A movement of the appetitive power, following upon the apprehension of a future good, arduous, possible to obtain, namely an extension of the appetite into an object of this kind." But this passion of hope is in no way to be confused with the virtue of hope; for the virtue of hope is something wholly spiritual, while on the contrary the passion of hope is something material. Nevertheless there is some analogy between the passion and the virtue of hope, namely the object of both is a good a) absent, because hope does not hold itself by way of rest in a possessed good, but by way of tending toward a good to be possessed; b) arduous and difficult, because just as that is not feared which can easily be avoided or driven away, so neither is someone said to hope for lesser and very easy things which, as soon as he wills, he can obtain. Hence to be arduous pertains to the object of hope in a similar way as to be obscure regards the object of faith; c) possible of attainment, because what someone knows that he cannot obtain either in any way or at least scarcely, he cannot prudently hope for. From all these things it appears that to hope is nothing other than to desire for oneself some arduous good, and to trust that he will obtain it. Hence hope expresses two acts: an efficacious desire (as something presupposed),[3] and confidence or an elevation of soul, as it were promising itself that it will obtain that good.
2. The thing hoped for itself; thus St. Paul says: "Awaiting the blessed hope."[4]
3. The cause of our confidence. Thus it is said: "Because Thou hast been made my hope, a tower of strength";[5] and the Blessed Virgin is called: "Our life, sweetness, and hope."
4. The theological virtue, according as it is distinguished from faith and charity.

In the following we speak only about the theological virtue of hope, and we divide the whole treatise into three chapters, namely: 1. on the nature of theological hope; 2. on the necessity of hope; 3. on the vices and sins against hope.

[2] *S. theol.* 1, 2, q. 40, a. 2.

[3] Ib. a. 1.

[4] Tit. 2, 13.

[5] Ps. 60, 4.

Chapter I. On the nature of theological hope

534. Definition. The theological virtue of hope can be defined: a virtue of the will divinely infused, by which with certain confidence on account of the omnipotence of God assisting, we await and pursue both eternal beatitude and the means necessary for attaining it.

For a fuller explanation of this definition we shall deal separately 1. with the object of hope; 2. with the subject of hope; 3. with the properties of hope.

Article I. On the object of theological hope

535. As was already said above concerning the object of faith (n. 481), a threefold object of some virtue is distinguished, namely the material object, the formal object which, and the formal object by which.

1. The primary material object of hope is eternal beatitude; but secondarily it is all the means conducting to beatitude.

Thus all theologians teach; and it is drawn from Sacred Scripture: "That, justified by His grace, we may be heirs according to the hope of eternal life."[6] "We are the children of saints, and we await that life which God will give to those who never change their faith from Him."[7] St. Thomas[8] writes about this matter: "For nothing less is to be hoped for from Him than He Himself, since His goodness, by which He communicates goods to the creature, is not less than His essence; and therefore the proper and principal object of hope is eternal beatitude." - But that the secondary object of hope is all the means necessary for eternal beatitude is clear in itself; because man is not able by his own powers to acquire eternal beatitude. Such means are all graces by which man is enlightened and strengthened for exercising works of virtue; indeed also temporal goods, but only insofar as they are means to eternal beatitude. The general principle is: It is licit to hope for the things which it is licit to ask for in prayer. Or, as St. Augustine says: "Those things pertain to hope which are contained in the Lord's Prayer."[9]

2. The formal object which of theological hope is God about to beatify us by supernatural beatitude.

Thus the more common and truer opinion,[10] which is proved in this way by Billuart:[11] "The formal object which and the immediate object of hope ought to be something purely divine and uncreated, as is clear in charity and in faith, and because otherwise religion, which by means of worship reaches God, would be a theological virtue, which is commonly denied. But only objective beatitude, or God Himself, is something divine and uncreated, not formal beatitude, which is a created act. Therefore ... It is confirmed: the object into which the movement of hope or desire tends and in which it rests when it attains that object is the same, just as the place into which a stone tends and in which it rests is the same. But the formal object which and the immediate object of rest and fruition of God is God Himself, as infinite good, not something created. Therefore ..."

From what has been said, the true nature and dignity of hope appears. For although in hope there is love of concupiscence, nevertheless that is not the ultimate motive, because we indeed hope for the possession of God and in this possession we desire our beatitude, but we do not stop there; for we order that beatitude of ours further to the honor of God. Besides, since we openly profess that beatitude consists in union with God, we greatly honor God by acknowledging His infinite goodness. Hence Lutherans, Calvinists, Baius, Jansenists, Quietists, and several moderns err when they think that it is something dishonorable and vile to act on account of reward, as Catholics do by performing virtues on account of eternal reward.[12] For often in Sacred Scripture we are admonished to do good works with a view to eternal recompense: "Everyone who contends in a contest abstains from all things; and they indeed, that they may receive a corruptible crown, but we an incorruptible one."[13] "Be faithful unto death, and I will give thee the crown of life."[14] "I have inclined my heart to do Thy justifications forever, on account of retribution."[15] Deservedly, therefore, the Council of Trent reproved those "who state that in all works the just sin, if in them by stirring up their own sloth ... they also have regard to eternal recompense."[16]

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[6] Tit. 3, 7.

[7] Tob. 2, 18.

[8] *S. theol.* 2, 2, q. 17, a. 2; cf. also ib. ad 2.

[9] *Enchir.* c. 114 (Migne, *Patr. lat.* 40, 285).

[10] Durandus (*In 3 Sent.* disp. 26, q. 2) thinks that subjective beatitude alone is the immediate object of hope, but that God is the mediate object; Coninck (*De act. supern.* disp. 19, dub. 3, n. 42), Ripalda (*De spe* disp. 23, sect. 4, n. 34), Chr. Pesch (*Prael. dogm.* VIII, 477) think that the object of hope is composed of objective and subjective beatitude. On the contrary, St. Thomas and the Thomists commonly teach that objective beatitude is the immediate object of hope, but that subjective beatitude, or the beatific vision, is only a condition of reaching this object. Billuart (*Diss. de spe* a. 2) well refutes the opinion proposed by Coninck, Ripalda, and Chr. Pesch: "The aggregate from formal and objective beatitude cannot be called the formal object which of hope, both because that aggregate is not something purely divine and uncreated, and because formal (subjective) and objective beatitude in the object of hope are not two things or two causes, but only one thing and one cause with the application of the cause, so that the whole formal reason of the object is objective beatitude or God, but His possession only the condition required that He may beatify; just as when fire applied to wood burns, fire and application are not two causes, but only one, which is fire alone; for in it alone is the whole power of burning, none in the application, but it is required only that the power of fire reach the wood and act upon it."

[11] *Diss. de spe* a. 1.

[12] Cf. Ph. Kneib, *Die Jenseitsmoral im Kampfe um ihre Grundlagen* (1906), 109 sqq.

[13] 1 Cor. 9, 25.

[14] Apoc. 2, 10.

[15] Ps. 118, 112.

[16] Sess. 6, cap. 11 *de iustif.* (Denz. n. 804).

536. 3. The formal object by which of hope is omnipotence assisting, i.e. providing or offering helps. Thus St. Thomas.[17]

Theologians do not agree on this point. The Scotists and Suarez teach that the formal object by which, or the proper motive of our hope, is the highest goodness of God. But some place the motive of hope in the fidelity of God, who promised eternal life to those who keep the commandments. Others (St. Alphonsus,[18] Bouquillon, Tanquerey, Schilling, etc.) place the motive of hope in the three moments just recounted taken together. Hence Tanquerey[19] posits the proposition: "The adequate motive of hope is God's goodness toward us, and at the same time His helping power, and also His fidelity in keeping promises." Without doubt these three moments

ought to intervene in an act of theological hope, just as motives of credibility and the preambles of faith are also necessary for an act of faith; but if it is asked what constitutes the proper motive of theological hope, this seems to be the omnipotence of God assisting. This indeed can be proved by the following reason: "That is the formal object by which of hope into which its last resolution is made, just as the formal object of faith is that into which its last resolution is made. But the last resolution of our hope is made into omnipotence assisting; for to one asking why you hope for beatitude, you adequately answer, because God can and wills to give it, just as to one asking why you believe God to be one and triune, you adequately answer, because God, who is truthful, has revealed it."[20] Certainly God wills to give us the reward of eternal life because He is supremely good toward us and because He promised this to us, but each is a certain preamble to hope, and is not the very motive of hope. For God as supremely good toward us is reached by love of concupiscence, which is presupposed to hope itself; but the promise of God is something extrinsic, since theological hope is at least possible without this promise. St. Thomas[21] expresses this doctrine thus: "Hope of attaining eternal life has two objects, namely eternal life, which one hopes for, and divine help, from which one hopes; just as faith also has two objects, namely the thing which it believes and First Truth, to which it corresponds. ... Thus, therefore, just as the formal object of faith is First Truth, through which as through a certain means it assents to those things which are believed, which are the material object of faith; so also the formal object of hope is the help of divine power and mercy, on account of which the movement of hope tends into the hoped-for goods, which are the material object of hope." In another place the Angelic Doctor says forcefully: "But of hope, according as it is a theological virtue, the formal object is divine help, to which it adheres."[22]

Corollary. From what has been said about the object of hope, it follows that it is a theological virtue and that it is distinct from faith and charity.[22a] For the formal object which of hope is indeed God, just as He is the object of faith and charity; but the formal object by which of hope differs from the formal object by which both of faith (which is God as true) and of charity (which is God as good in Himself).

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[17] *Quaest. disp. de spe* a. 1.

[18] *Theol. mor.* l. 2, 21.

[19] *Synopsis Theol. mor.* II, 697.

[20] Thus Billuart, *Diss. de spe* a. 2.

[21] *Quaest. disp. de spe* a. 1.

[22] *Quaest. disp. de spe* a. 4.

[22a] *S. theol.* 2, 2, q. 17, a. 5 and 6.

537. Scholion. On the secondary motives of hope. Therefore the proper motive of hope is God the helper, good and faithful. Nevertheless, besides God, we can place our hope also in creatures, but only as secondary causes acting under God.[22b] The most noble among these creatures is the humanity of Christ, which was the instrument of God for accomplishing our redemption. After the humanity of Christ come the saints and especially the Blessed Virgin, by whose merits and prayers we can rightly hope to be helped. Then also our merits acquired under the influence of grace found in us hope of eternal life. Yet the first and last cause of our hope must always remain God, to whom we can say with the prophet Isaiah: "Behold God is my savior; I will act confidently and will not fear, because my strength and my praise is the Lord, and He has been made salvation for me";[23] or more briefly with the Psalmist: "My God is my helper, and I will hope in Him."[24]

[22b] Ib. a. 4.

[23] Is. 12, 2.

[24] Ps. 17, 3.

Article II. On the subject of theological hope

538. The proximate subject, i.e. the faculty of the soul in which theological hope resides, is not the sensible appetite nor the intellect, but the will. Thus almost all Catholics teach with St. Thomas, who says: "Hope is in the higher appetite, which is called the will."[25] The reason is that the object of hope is a spiritual good, which is not attained except by the spiritual appetite, namely, by the will.

The remote subject of the virtue of hope, or the persons in whom true theological hope is found, are the following:

1. All the faithful, even sinners, except those who fall a) into formal heresy, or b) into presumption or desperation.
2. Souls detained in purgatory.

As to 1: The Council of Trent requires hope for the justification of an impious adult, teaching concerning the preparation for the remission of sins: "While, understanding that they are sinners, by turning themselves from the fear of divine justice, by which they are usefully shaken, to considering the mercy of God, they are raised up into hope, trusting that God will be propitious to them on account of Christ."[26] Therefore the Council manifestly supposes that hope can remain in a sinner. - But the intrinsic reason is that the foundation of hope is faith, which remains in sinners, as was said above, n. 492. But a sinner having true faith can elicit an act of supernatural hope (with the aid of actual grace), namely, by hoping that through the merits of Christ he will obtain the remission of sins and at last eternal beatitude. Moreover, nothing prevents such an act of hope from proceeding from a true virtue of hope previously possessed and not yet wholly destroyed.[27] - But the virtue of hope is necessarily destroyed: a) Through formal heresy, since it destroys faith and therefore the very foundation of hope. Hence St. Augustine says excellently: "Faith believes, hope and charity pray, but without faith they cannot exist.... Neither is love without hope, nor hope without love, nor either without faith."[28] b) Through presumption and gravely culpable desperation, as directly contrary to the virtue of hope. For contraries destroy one another.

As to 2: Although the souls in purgatory are certain of obtaining salvation, nevertheless they do not yet have it, nor are they able to arrive at it except by tolerating grave punishments. Eternal beatitude, therefore, is for them a future, arduous, possible good, and consequently has all the conditions of the object of hope.[29]

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[25] *S. theol.* 2, 2, q. 18, a. 1.

[26] Sess. 6, c. 6 de iustif. (Denz. n. 798).

[27] *S. theol.* 1, 2, q. 65, a. 4.

[28] *Enchir.* c. 7 et 8.

[29] *S. theol.* 2, 2, q. 18, a. 3.

539. Corollaries. From what has been said it follows that hope is not:

a) in Christ, since from the beginning of His conception He was a comprehensor and always enjoyed the blessed vision.[30]

b) in the blessed, for the same reason. For they already possess beatitude; therefore they cannot hope for it as future, according to this: "But hope which is seen is not hope; for what a man sees, why does he hope?"[31] For this reason St. Augustine[32] beautifully says: "Hope will no longer be when the thing will be." Some theologians indeed (Suarez, Ripalda, Becanus) assert that the blessed can hope for accidental beatitude for themselves, and even essential beatitude for men who are wayfarers. But St. Thomas denies this, because accidental beatitude for the blessed does not have the character of something arduous and difficult, since the blessed will have this beatitude without any difficulty or uncertainty. But the hope by which the blessed hope beatitude for wayfarers is not hope properly theological, but taken in a broader sense. For every theological hope presupposes love of concupiscence, as was already said above. Hence if someone on this earth hopes for the eternal salvation of his neighbor, he does this because the neighbor is another self, and his beatitude increases his own beatitude. But in the blessed every such love of concupiscence is impossible. Therefore the blessed indeed desire the beatitude of wayfarers, but such a desire proceeds from the love of charity and not from hope.

c) in the damned. The reason is obvious; for hope is concerning future possible beatitude. But the damned know that beatitude is impossible for them, and consequently that their hope is vain and fruitless. Moreover, the damned no longer have theological faith; but without theological faith hope is impossible, since faith is the foundation of hope.[33] Hence it is said: "When the impious man is dead, there will be no further hope."[34]

d) in formal heretics, since they lack faith, which is the necessary foundation of hope, as was already said above.

e) in a man who is despairing or presumptuous, since desperation and presumption (at least perfect) destroy hope as being contrary to it.

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[30] Ib. a. 2 ad 1; 3, q. 7, a. 4.

[31] Rom. 8, 24.

[32] *Sermo* 158, n. 8 (Migne, *Patr. lat.* 38, 866).

[33] *S. theol.* 2, 2, q. 18, a. 2 ad 3.

[34] Prov. 11, 7.

540. Scholion. On the opinion of St. Thomas concerning the object and subject of hope. Briefly and excellently the Angelic Doctor explains the object and proximate subject of the virtue of hope, at the same time indicating its difference from desire, cupidity, and similar things: "It is manifest that to hope implies a certain movement of the appetitive power tending toward a good, not indeed as joy and delight do, but as something to be attained, as also desire and cupidity do. Yet hope differs from desire in two ways: first indeed, because desire is commonly of any good whatsoever, and therefore is attributed to the concupiscible; but hope is of an arduous good, which is difficult to attain, and therefore is attributed to the irascible. Secondly, because desire is of some good absolutely, without consideration of its possibility; but hope tends toward some good as toward that which is possible to acquire; for it implies in its notion a certain security of acquisition. Thus, therefore, in the object of hope four things are considered: first indeed, that it is good, by which it differs from fear; secondly, that it is of future good, by which it differs from joy or delight; thirdly, that it is of arduous good, by which it differs from desire; fourthly, that it is of possible good, by which it differs from desperation. - But it is possible to have something from someone in two ways: in one way through one's own power, in another way through the help of another; for those things which are possible through friends we call possible in some way. Thus, therefore, sometimes a man hopes to acquire something through his own power;

sometimes indeed through another's help; and such hope has expectation, inasmuch as a man looks to the help of another. And then it is necessary that the movement of hope be borne toward two objects, namely, toward the good to be acquired, and toward him upon whose help it rests. But the highest good, which is eternal beatitude, man cannot acquire except through divine help, according to that of Romans 6:23: The grace of God is eternal life. And therefore the hope of acquiring eternal life has two objects, namely eternal life, which one hopes for, and divine help, from which one hopes.... Just as the formal object of faith is First Truth, through which, as through a certain medium, it assents to those things which are believed..., so also the formal object of hope is the help of divine power and piety; on account of which the movement of hope tends toward the hoped-for goods, which are the material object of hope."[35]

[35] *Quaest. disp. de spe* a. 1.

Article III. On the properties of theological hope

541. Three properties of hope can be enumerated, namely, supernaturality, efficacy, firmness.

1. That theological hope is supernatural is easily understood, because it is an infused virtue, whose a) motive or formal object by which is wholly supernatural, namely, the omnipotence of God assisting, and b) formal object which is likewise supernatural, namely, objective eternal beatitude.
2. Hope ought to be efficacious and living; for we not only expect, but also must courageously pursue eternal beatitude and the means conducive to it. Hence St. Thomas says:[36] "Hope makes one tend into God as into a certain final good to be attained."
3. As to the third property of hope, namely, its firmness, a distinction is needed: theological hope, insofar as it regards God, is absolutely firm; but insofar as it supposes our cooperation, it includes uncertainty and fear.

Before the proof of this assertion, it must be noted that certitude properly belongs to the intellect and includes two things: on the part of the object, that it be infallibly true (infallibility); on the part of the subject, that the man adhere to the object without fluctuation or doubt (firmness). This certitude, which is proper to the intellect, is participated in by the will according to an objective and a subjective respect. On the part of the object, insofar as the object, i.e. eternal beatitude, infallibly corresponds to the act of hoping, and thus that act is called "unfrustrable"; on the part of the subject, insofar as the will firmly adheres to this object, excluding fluctuation and doubt, and so the act of hope is called firm. But the object of hope, or eternal beatitude, is obtained by us through a twofold cause, namely, the omnipotence of God assisting and our cooperation.

That our hope is supremely firm, if the help of God is considered, is clear both from Sacred Scripture and from the Council of Trent, and from theological reason. For in many places Sacred Scripture inculcates this firmness, e.g. the Psalmist says: "My God, in Thee I trust; let me not be ashamed. Neither let my enemies laugh at me; for all who await Thee shall not be confounded";[37] and elsewhere[38] it is said: "In Thee, O Lord, have I hoped; let me not be confounded forever." St. Paul extols hope in these words: "Wherein God, willing more abundantly to show to the heirs of the promise the immutability of His counsel, interposed an oath, that by two immutable things, in which it is impossible for God to lie, we may have strongest consolation, who have fled for refuge to hold fast the hope set before us, which we have as an anchor of the soul, sure and firm, and entering in even to the interior of the veil."[39] This is confirmed by the Council of Trent, saying: "All ought to place and repose the firmest hope in the help of God."[40] - But the reason for this doctrine is evident. For

theological hope is founded upon certain faith in God's omnipotence, goodness, and fidelity, which can never fail or deceive. Consequently our hope and confidence in God must be as firm as our faith is certain.[41] Besides, all theologians agree in this matter.

On our part, however, hope admits a certain uncertainty, for although God cannot be lacking to us, nevertheless we can be lacking to God; and because God does not will to save us without our cooperation, hence it is that, considering our own infirmity, inconstancy, and malice, we rightly can, and even ought, to fear lest we lose eternal salvation. Nevertheless this fear ought to be moderated, lest it pass into pusillanimity or into desperation. - That hope, as far as concerns our part, is not supremely certain and excluding all fear (as the Lutherans taught) is manifestly drawn from Sacred Scripture: "Man does not know whether he is worthy of love or hatred; but all things are kept uncertain for the future."[42] St. Paul warns the faithful: "Therefore he who thinks himself to stand, let him take heed lest he fall."[43] Indeed he says of himself: "For I am conscious of nothing to myself, yet I am not hereby justified; but He who judges me is the Lord.... I chastise my body and bring it into servitude, lest perhaps, after I have preached to others, I myself should become reprobate."[44] The Council of Trent taught the same:[45] "For just as no pious person ought to doubt concerning the mercy of God, concerning the merit of Christ, and concerning the efficacy of the sacraments, so anyone, while he regards himself and his own proper infirmity and indisposition, can be apprehensive and fearful concerning his grace; since no one can know with the certitude of faith, to which falsehood cannot be subject, that he has obtained the grace of God.... Nevertheless let those who think themselves to stand take heed lest they fall; and with fear and trembling let them work out their salvation in labors, in watchings, in alms, in prayers and oblations, in fastings and chastity. For they ought to fear, knowing that they have been reborn unto the hope of glory and not yet unto glory."

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[36] *S. theol.* 2, 2, q. 17, a. 6 ad 3.

[37] Ps. 24, 2 sq.

[38] Ps. 30, 2.

[39] Hebr. 6, 17 sqq.

[40] Sess. 6, c. 13 de iustif. (Denz. n. 806).

[41] Cf. *S. theol.* 2, 2, q. 18, a. 4.

[42] Eccli. 9, 1 sq.

[43] 1 Cor. 10, 12.

[44] 1 Cor. 4, 4 et 9, 27.

[45] Sess. 6, c. 9 et 13 de iustif. (Denz. n. 802, 806).

542. Scholion. On fear. Therefore fear in this life is necessarily joined with hope; for it tempers hope, lest on one side it grow into false security, and on the other side, lest it fall into desperation. Hence St. Thomas, in the treatise on hope, also treats of the gift of fear.[46] Fear in general can be defined: a movement of the appetite fleeing an arduous and imminent evil; or, as is commonly said: "a trepidation of the mind on account of a future and impending danger." But fear of God includes a twofold moment, namely, the evil of punishment and the infinite power and majesty of God; and therefore the act of fear is not only to flee evil, but also to revere the highest majesty of God. Generally a fourfold fear is usually distinguished in relation to God: 1. worldly, 2. servile, 3. filial, 4. initial.

Worldly fear is a withdrawal from God on account of some imminent earthly evil; e.g. a man denies the faith because of fear of death. Worldly fear is morally evil, as is evident of itself.

Servile fear causes the observance of God's commandments on account of fear of punishment; it is subdivided into simply servile fear and servilely servile fear. He who acts from fear simply servile observes God's commandments indeed from fear of punishment, but also sincerely wills to avoid sins and from his heart expels every positive propensity to sin. But he who acts from fear servilely servile avoids sin solely on account of punishment, so that, if punishment did not exist, guilt would be committed. Fear servilely servile indeed restrains the hand from evil, but not the soul. The first servile fear is good and most useful, and therefore the Psalmist prays: "Pierce my flesh with Thy fear."[47] The second fear is evil, because it is something disordered, to fear punishment more than fault.

Filial fear makes one avoid sins and the transgression of God's commandments on account of love toward God; for the offense of the father is feared. This fear is most perfect. Indeed, it will remain even in heaven, at least as to substance; for it has two acts: to revere God and to fear separation from Him. The act of most perfect reverence remains in heaven, but fear of separation from God does not remain there, since the blessed are secure concerning their own glory.

Initial fear is midway between simply servile fear and filial fear; for it makes one avoid sin both on account of punishment and on account of the love of God. It does not differ essentially from filial fear, for it is as it were its beginning, although imperfect.[48] As charity increases, filial fear increases; for the more a man loves God, the more he fears to offend Him and to be separated from Him. But as charity increases, servile fear is diminished; both because the more someone loves God, the less he attends to his own good; and also because, by charity adhering more fervently to God, he trusts more concerning the reward and consequently fears punishment less.[49]

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[46] *S. theol.* 2, 2, q. 19.

[47] Ps. 118, 120.

[48] *S. theol.* 2, 2, q. 19, a. 8.

[49] *S. theol.* 2, 2, q. 19, a. 10.

Chapter II. On the necessity of theological hope

Just as there is a necessity of means and a necessity of precept for faith, so likewise there exists this twofold necessity of hope. Hence let there be:

543. Proposition 1. Habitual hope infused by God is necessary for salvation for children as well as adults, and always has been necessary by necessity of means.

It is proved. No one will obtain eternal salvation without sanctifying grace. But together with sanctifying grace all the theological virtues are infused.[50] Therefore hope also will necessarily be present together with sanctifying grace. Hence the Council of Trent teaches: "Faith, unless hope and charity are added to it, neither unites perfectly with Christ nor makes one a living member of His body."[51]

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[50] Cf. above, n. 472.

[51] Sess. 6, c. 7 de iustif. (Denz. n. 800).

544. Proposition 2. Actual hope, or some act of hope, has always been necessary for salvation for all adults having the use of reason, by necessity of means.

It is proved. a) No adult obtains eternal salvation without theological faith, as was proved above, n. 496. But faith is the substance of things to be hoped for. Therefore wherever there is true and perfect faith, there also an act of hope is elicited. And indeed the first movement of the will which connaturally follows faith is confidence of obtaining salvation.

b) Moreover, eternal salvation is given to all adults as a reward and not as a pure inheritance. But no one of sound mind works for some reward unless he has firm confidence of obtaining it. Hence St. Paul says: "For by hope we have been saved."[52]

c) It is added that no one will obtain eternal salvation without final perseverance. But final perseverance does not fall under merit strictly so called (as is taught in the treatise on grace), but can only be obtained by prayer. But true impetratory prayer is impossible without firm hope and confidence, since this is an essential property of prayer. Therefore hope is absolutely necessary for obtaining eternal salvation. St. Augustine says fittingly: "The house of God [beatitude] is founded by believing, raised up by hoping, perfected by loving."[53]

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[52] Rom. 8, 24.

[53] *Sermo* 27, c. 1 (Migne, *Patr. lat.* 38, 178).

545. Proposition 3. An act of hope is also necessary for all adults having the use of reason by necessity of a positive divine precept.

It is proved. Very many places from Sacred Scripture are brought forward in which that precept is contained, e.g.: "Hope in Him, all the congregation of the people."[54] "Command the rich of this world not ... to hope in the uncertainty of riches, but in the living God."[55] St. Paul inculcates the precept of hope especially upon the rich, because riches are not rarely an obstacle to hoping in a higher beatitude than that which riches give. But to all the same Apostle says: "Let us live piously in this world, expecting the blessed hope."[56]

The divine precept of hope obliges just as the precept of faith does, namely, per se and per accidens.

It obliges per se:

1. At the beginning of the moral life, i.e. at the beginning of perfect use of reason. The reason is that then the precept of faith obliges. But faith in God the rewarder necessarily causes an act of hope.
2. At the article of death. For if ever hope is necessary, then certainly this is at the article of death, when man is constituted at the boundary of this and the other life, and when he is about to receive the recompense for his merits at once.
3. At some times in life, as is clear from the condemnation of the proposition already cited above: "A man is never, at any time of his life, bound to elicit an act of faith, hope, and charity by force of the divine precepts pertaining to these virtues."[57] - But if it is asked how often a man is bound to elicit an act of theological hope, authors do not agree, and there are the same dissensions and uncertainties which were indicated above, n. 502, concerning the act of faith. For practice there is no difficulty, since formal hope is not necessarily required, but virtual hope suffices, and any Christian living and praying religiously already sufficiently satisfies this precept by any pious deprecatory prayer, eliciting an act of virtual hope.

It obliges per accidens:

1. When a grave temptation against hope urges, e.g. a temptation of desperation, which cannot be conquered otherwise than through an act of hope; or if other temptations urge, which must be conquered either by prayer or by the very hope of divine help. Hence it can rightly be said: An act of hope obliges as often as there is an obligation of asking divine help.
2. When a precept must be fulfilled which cannot be done without an act of hope, e.g. the precept of receiving the sacrament of penance, the precept of praying, the precept of expelling admitted desperation, etc.

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[54] Ps. 61, 9.

[55] 1 Tim. 6, 17.

[56] Tit. 2, 12 sq.

[57] Denz. n. 1101.

546. Corollary. The excellence and honesty of hope follow from what has been said, as does the falsity of Quietism and Semiquietism. For if hope is so commended and commanded in Sacred Scripture, it cannot be anything except honest and excellent. Hence the Council of Trent establishes: "If anyone says that the just ought not, for the good works which have been done in God, to expect and hope for an eternal recompense from God through His mercy and the merit of Jesus Christ, if by acting well and by keeping the divine commandments they have persevered even to the end, let him be anathema."[58] Therefore falsely do many modern non-Catholics despise us as mercenaries, as though we did not live virtuously except for the obtaining of a reward. Certainly we live virtuously for the obtaining of beatitude, but we openly profess that this beatitude consists in union with God. Therefore God and His glory is our last end and the supreme motive of our actions. And so any good Catholic can say with St. Paul: "I wished myself to be anathema from Christ for my brethren";[59] but also: "I pursue toward the mark, to the prize of the supernal vocation of God in Christ Jesus";[60] and: "As to the rest, there is laid up for me a crown of justice, which the Lord, the just judge, will render to me on that day."[61] - Quietism underwent diverse modifications in the course of time. Eckhart already seems to have erred concerning the utility of hope, and therefore the proposition was condemned by John XXII: "Those who do not intend things, nor honors, nor utility, nor internal devotion, nor sanctity, nor reward, nor the kingdom of heaven, but have renounced all these things, even what is their own, in those men God is honored."[62] But naked and crude Quietism was defended by Michael de Molinos (1640-1696), who taught 68 propositions condemned by Innocent XI.[63] Thus, e.g., his proposition 12 was condemned: "He who has given his free will to God ought to have care about nothing, neither hell, nor paradise, nor ought he to have a desire of his own perfection, nor of virtues, nor of his own sanctity, nor of his own salvation, the hope of which he ought to purge away."[64] - Semiquietism indeed does not reject hope as something illicit, but teaches that there is a habitual state of love without hope. This doctrine was proposed by Fenelon[65] (1651-1715), bishop of Cambrai, but after the condemnation made by Innocent XII in 1699 he revoked it. Among the propositions condemned concerning this matter is found this one: "There is a habitual state of the love of God, which is pure charity and without any admixture of one's own interest. Neither fear of punishments nor desire of rewards has any further part in it. God is no longer loved on account of merit, nor on account of perfection, nor on account of happiness to be found in loving Him."[66]

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[58] Sess. 6, can. 26 de iustif. (Denz. n. 836).

[59] Rom. 9, 3.

[60] Phil. 3, 14.

[61] 2 Tim. 4, 8.

[62] Denz. n. 508.

[63] Cf. Denz. n. 1221-1288.

[64] Denz. n. 1232.

[65] *Explications des maximes des Saints sur la vie intérieure*, Paris 1697.

[66] Denz. n. 1327.

Chapter III. On the vices and sins against theological hope

547. Just as one sins against faith, so also one sins against hope by omission and by commission; but by commission one sins in a twofold way, namely, through defect, i.e. by desperation, or through excess, i.e. by presumption. Therefore three sins are usually enumerated against the virtue of hope, namely: 1. omission of the act of hope when it is commanded, 2. desperation, 3. presumption.

1. Concerning omission of the act of hope, the faithful who have a fearful conscience ought not be anxious, because already in any devout prayer there is an act of hope. But the faithful who lead an irreligious life are rarely to be questioned in confession about omission of the act of hope, because they are not accustomed to know the grave obligation of that act, and moreover because the confessor can judge sufficiently concerning their state when he knows that the penitent has omitted prayer for a rather long time and has lived in full forgetfulness of God. For then he has also violated the obligation of faith, hope, and charity.

To omission of the act of hope is also reduced excessive adherence given to earthly goods, by which temporal things are preferred to eternal things, so that someone desires to remain perpetually in this life. This excessive adherence chiefly occurs in those who abound in riches and pleasures; it is very pernicious, because it diminishes, and indeed even takes away, the desire of the future life, and consequently renders a man languid and unarmed for conquering temptations and for tending strenuously toward Christian perfection. Death suddenly overtakes such men, not rarely wholly unprepared.

548. 2. Desperation sins against hope by defect. But desperation is either positive and perfect, or privative and imperfect.

a) Positive desperation is a voluntary diffidence of attaining beatitude, or better: it is a voluntary withdrawal from pursuing eternal beatitude, which is judged impossible of attainment. Therefore a twofold element (one presupposed, the other formal) must be distinguished in this desperation. The first pertains to the intellect, which judges that beatitude is impossible of attainment (whether because God does not give sufficient helps, or because one's own cooperation is too difficult). The other and formal element is the withdrawal or flight of the will, by which a man turns himself away from pursuing beatitude. For just as hope essentially consists in the confident pursuit of beatitude, so, from the opposite side, desperation is essentially a voluntary flight from this beatitude. Wherefore the Angelic Doctor says:[67] "Desperation does not imply the mere privation of hope, but implies a certain withdrawal from the thing desired on account of an estimated impossibility of acquiring it." And so desperation is an act of the will fleeing God as beatifying and assisting, but it supposes a false judgment of the intellect by which a man judges eternal beatitude to be impossible of attainment for himself.

Such a judgment can indeed arise from unbelief, but it does not necessarily arise so; for a man can, without unbelief, form the false judgment that he is in so bad a state that he will never attain beatitude.[68]

b) Privative desperation is a certain pusillanimity of soul, by which someone, either from a temptation of the devil or from a melancholic or other morbid bodily disposition, loses heart and is tormented by an excessive fear of losing eternal salvation. This privative desperation is (for the most part) no sin, but a mere temptation or scrupulosity. Penitents who labor under such scruples are to be treated with great patience and charity. It is not always easy in practice to discern whether privative or positive desperation is present. Yet it is a sufficiently clear sign that positive desperation is not present if the penitent has not omitted, at least totally, his accustomed exercises of piety and religion.

Its malice. Positive desperation is a mortal sin from its whole genus, so that it does not admit smallness of matter. For it inflicts the greatest injury upon God, because it either denies His mercy or calls it into doubt. Nothing is preached so frequently and fervently in the books of the Old and New Testament as divine mercy; hence a man who nevertheless doubts concerning that divine attribute, despairing of his own salvation, commits a sin against the Holy Spirit, because he makes little of divine mercy, which is the most efficacious means of obtaining salvation. Once voluntary desperation has been admitted and hope removed, a man now rushes headlong into vices and does not seriously strive to accomplish good works. Hence St. Augustine[69] says: "Sin with desperation is certain death," and St. Thomas[70] teaches: "Hatred (of God) and unbelief, if they are compared with desperation, are found to be graver in themselves, i.e. according to the notion of their proper species ... but if desperation is compared with the other two sins [unbelief and hatred of God] on our part, thus desperation is more dangerous, because through hope we are called back from evils and induced to pursue goods, and therefore, hope having been removed, men fall unrestrainedly into vices and are drawn back from good labors. Hence ... Isidore says: To perpetrate any wicked deed is the death of the soul, but to despair is to descend into hell."

Contempt or total neglect of beatitude can be reduced to desperation, such as is usually found in Rationalists and especially in those who deny another life after bodily death.

The causes of desperation are chiefly: a) Lust and other disordered desires.[71] For a man who is given over to lust and bodily desire loathes spiritual goods and cares little about eternal beatitude. b) Acedia, which is a certain dejective sadness of the spirit. Beatitude is an arduous good, which cannot be obtained without strenuous labor, which the languid man flees, and consequently he despairs of obtaining beatitude. c) Defect of faith. For a man cannot efficaciously intend and hope for beatitude unless he firmly believes the existence of such beatitude, of divine help, and of graces. Therefore it is necessary that a man weak in faith be also weak in hope, and that he who has suffered shipwreck in faith fall into the abyss of desperation.

The confessor, choosing remedies against desperation, must first see from what cause it has been produced. If it has arisen from inveterate vices, from an irreligious life, from acedia, then let him command works of piety and especially meditation on the parables of Sacred Scripture in which divine mercy shines forth, e.g. concerning the lost sheep, concerning the prodigal son. But before all else let him take care that the penitent be drawn back from vices and approach frequently the sacraments of penance and the Eucharist. But if desperation and pusillanimity have arisen from a morbid bodily disposition, or from fixed ideas (which happens not rarely), then those remedies are to be applied which were indicated above, n. 95 and 322, against fixed ideas and against scruples.

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[67] *S. theol.* 1, 2, q. 40, a. 4 ad 3.

[68] Cf. *S. theol.* 2, 2, q. 20, a. 2.

[69] *Enarr. in Ps.* 50, n. 5 (Migne, *Patr. lat.* 36, 588).

[70] *S. theol.* 2, 2, q. 20, a. 3.

[71] *S. theol.* 2, 2, q. 20, a. 4.

549. 3. Presumption sins against hope by excess[72] and against the (servile) fear of God by defect. For a presumptuous man hopes too much from God as good and merciful, and does not sufficiently fear God as justly punishing. Presumption can be defined: a rash confidence of obtaining beatitude by means not ordained by God.

One can sin by presumption in diverse ways, namely, a) by him who wishes to obtain beatitude by his own powers alone, which is at the same time the Pelagian heresy; b) by him who relies on divine mercy alone and presumes to obtain beatitude without his own cooperation; c) by him who expects divine help for illicit things, or who expects wholly extraordinary divine help without a sufficient reason, which presumption is called tempting God and often had place in the Middle Ages in the so-called "ordeals"; d) by him who takes divine mercy as an occasion for sinning more freely or for persevering in the state of mortal sin. In this last case, however, it must be seen whether the vice of presumption is truly present; for if someone sins from frailty or from passion, at the same time hoping that afterward he will obtain pardon, and consequently at least implicitly already now proposes his conversion from sin, he does not commit the sin of presumption, but rather sins more lightly, since such a sinner seems to have a will less firmly set upon sinning.[73] But if someone sins with the proposal of persevering in sin under hope of pardon, he commits the sin of presumption, and indeed also a sin against the Holy Spirit, because it is contempt of the help of the Holy Spirit, by which man is called back from sin.

Resolves: 1. A penitent who confesses: I committed such a sin thinking that afterward I could confess it, has not yet certainly committed the sin of presumption. Nevertheless he must be carefully admonished concerning the falsity of his opinion, since he is in no way certain that he can confess the sins committed and so obtain pardon. For this depends on divine grace and not on his will alone. But if the penitent confesses: I committed 20 sins, thinking that I could obtain from God pardon for 20 sins as easily as for 2, he seems truly to have committed the sin of presumption, because he sinned frivolously against divine mercy.

2. It is not the sin of presumption if a man in no way avoids venial sins, because these sins of themselves do not impede beatitude. Nevertheless such a man commits himself to grave danger of perdition, since venial sins often repeated pave the way to mortal sin.

3. It is not properly speaking the sin of presumption if someone has neglected the sacraments for a rather long time.

The malice of presumption. a) Heretical presumption, or that which includes error in faith, is a mortal sin from its whole genus, because it is opposed both to faith and to hope and to the gift of fear, and inflicts a great injury upon divine justice. Four heretical presumptions are distinguished by theologians, namely, Pelagian presumption, Lutheran presumption, Calvinist presumption, and pietistic presumption, according as someone presumes to obtain beatitude either by his own powers without grace, or by faith alone without works, or by absolute predestination alone, or by circumcision alone and the faith of Abraham. But since many Lutherans and Calvinists are in good faith, their presumption is only a material sin.

b) Simple presumption is a mortal sin from its genus, and it admits smallness of matter. The reason is that even this presumption of itself inflicts a grave injury upon divine justice and causes great harm to man. But this sin is lighter than the sin of desperation; for presumption contemns divine justice, but desperation divine mercy. Now, according to our mode of conceiving, mercy is more fitting to God than justice and the avenging of sins.[74]

The causes of presumption, besides the errors in faith recounted above, are pride and vainglory. St. Thomas writes to the point:[75] "Presumption is twofold: one which relies on one's own power, namely attempting something as possible for oneself which exceeds one's own power; and such presumption manifestly proceeds from vainglory; for from this, that someone greatly desires glory, it follows that he attempts something beyond his powers.... But the other is presumption which relies inordinately on divine mercy or power, by which someone hopes that he will obtain glory without merits, or pardon without penance; and such presumption seems to arise directly from pride, as though he esteems himself so highly that, even when he sins, God will not punish him or exclude him from glory."

Remedies against presumption are all those things which were brought forward above, n. 415, as remedies against pride, since pride is the mother of presumption, as was said; namely, intimate knowledge of oneself, contemplation of the humility of Christ, the exercise of humility.

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[72] Presumption is taken in diverse senses; for it can be referred either to the intellect or to the will. As referred to the intellect, it signifies: a) an excessive estimation of one's own excellence; b) judgment concerning the deeds of others taken from conjectures, and then presumption is usually distinguished as vehement or violent, probable, and light, according to the gravity of the motives which cause the conjecture or presumption (legal presumption or also proof by indicia). In this sense there was discussion above, n. 216, about a law founded upon a false presumption. - As presumption is referred to the will, although sometimes it is taken in a good sense to designate excellent confidence (cf. Judith 6, 15; 9, 17), nevertheless ordinarily it is used in a bad sense and signifies: a) a certain movement of the soul of one who, without fear and force, but knowingly and willingly and with a certain contempt, transgresses the law; in this sense it is often said in law: "If anyone shall presume," "if anyone with rash daring," "if anyone knowingly"; b) a movement by which someone undertakes a work which exceeds his powers; in this sense it is the same as rashness or daring and is opposed to the virtue of fortitude or magnanimity (cf. *S. theol.* 2, 2, q. 127 and 130; Bouquillon, *De virt. theol.* l. 2, c. 2); c) the vice opposed to the virtue of hope.

[73] Cf. *S. theol.* 2, 2, q. 21, a. 2 ad 3.

[74] Ib. a. 2.

[75] Ib. a. 4.

550. Scholion. On cultivating hope. It is of great importance that a Christian man have the firmest hope. For this is necessary both for the continual exercise of virtues and for patience in so many hardships of this life. Hope is increased just as faith is; for he who has a vivid faith in divine omnipotence, goodness, and fidelity also hopes firmly in God, whom he has believed. Concerning the means of advancing in faith it was said above, n. 508. Moreover, a good conscience greatly contributes to the increase of hope. Hence St. John says: "If our heart does not reprehend us, we have confidence toward God, and whatever we ask, we shall receive from Him, because we keep His commandments and do those things which are pleasing before Him."[76] Concerning the same matter St. Augustine says:[77] "As an evil conscience is wholly in desperation, so a good conscience is wholly in hope." - Hope is to be cultivated not only in adverse things, but also in prosperous things. For when all things happen prosperously for us, we are prone to forgetting God. But this we must wholly avoid, always breathing after heavenly goods.

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[76] 1 Jo. 3, 21 sq.

[77] *In Ps.* 31, n. 5 (Migne, *Patr. lat.* 36, 261).

Tract IX. On theological charity and the vices opposed to it

Cf. St. Thomas, *S. theol.* 2, 2, q. 23-46; *Quaest. disp. de caritate*; St. Alphonsus, *Theol. mor.* l. 2, 22-80; St. Francis de Sales, *Traité de l'amour de Dieu* (*Theotimus*), which book Pius IX calls "an outstanding and incomparable treatise"; Billuart, *Diss. de caritate*; Massoulie, *Traité de l'amour de Dieu* (1703); Bouquillon, *De virtutibus theologicis*; Tanquerey, *Synops. theol. mor.* de caritate; O. Schilling, *Lehrb. d. Moraltheol.* II, § 75 sq.

551. Preliminary notions. Love, friendship, dilection, charity are sometimes taken promiscuously; but strictly speaking they do not signify the same thing. Love extends more broadly than dilection, charity, and friendship; and it can be called the genus under which the three others are contained as species. What, therefore, is love?

Love is defined by St. Thomas as: complacency in the appetible.[1] Love is also called the bond of those loving, or union between the lover and the beloved. A threefold love is usually distinguished: natural, sensible, rational. Natural love is a certain propensity of any being toward an end suitable to itself. This propensity does not arise from its own apprehension, but from the ordination of the Creator. Thus the tendency of a stone downward because of its gravity can be called natural love, and every heavy body is said to love the center of the earth. As is clear, natural love is not a moral act, but a tendency implanted by the author of nature.[2] Sensible or sensitive or animal love is the first of the eleven passions described above, n. 74, and can be defined: complacency of the sensible appetite in a sensibly apprehended good. Such love is found even in brutes. Rational love is complacency of the will in a good apprehended through the intellect. This rational love is nobler and more constant than sensible love; but it is subdivided into love of concupiscence and love of benevolence. For if the lover principally intends his own advantage, there is love of concupiscence; thus a man loves food, riches, honors, etc. But if the lover principally intends the good and utility of the beloved, there is love of benevolence. Love of benevolence is nobler than love of concupiscence; often both loves are present at the same time. Thus, e.g., a father loves his son with love of benevolence, because he sincerely wills the good of the son; but at the same time love of concupiscence is also present, because a good son increases the happiness of the father.

Friendship is true love of benevolence existing between two persons, who knowingly love each other mutually, communicate something to each other mutually, and converse in a friendly way. Therefore three things are required for true friendship: 1. mutual love of benevolence, 2. knowledge of such love on each side, 3. a certain communication between those loving.[3] True and noble friendship is worthy of all praise; hence it is said in Sacred Scripture:[4] "A faithful friend is a strong protection; but he who finds him finds a treasure; there is no comparison for a faithful friend, and there is no worthy weight of gold and silver against the goodness of his fidelity; a faithful friend is the medicine of life and immortality."

Dilection adds a preceding election over and above love, as the very name sounds; hence dilection is not in the concupiscible (appetite), but only in the will, or is in rational nature alone.[5]

But charity adds over and above love a certain perfection of love, insofar as that which is loved is esteemed of great price and is dear, as the name itself designates.[6] - We can speak of love in a bad sense, e.g. of impure love, egoistic love, vicious love, etc.; but never, or very rarely,[7] do we use the word charity in a bad sense; hence we do not speak of vicious charity, of charity of concupiscence, of egoistic charity, etc.

Causes and effects of love. From those things which St. Thomas[8] excellently discusses about the causes and effects of love, it is helpful to draw out a few. Love usually arises from a threefold cause: 1. from knowledge of a suitable good, 2. from likeness, and 3. from familiar conversation. For the common adage is: "There is no desire of an unknown thing," or nothing is loved unless it has been foreknown. Therefore love presupposes knowledge; and if the thing known appears good and suitable to the appetite, it is loved. This suitability indeed usually arises from likeness between the lover and the beloved, whence it is said in Sacred Scripture: "Every living thing loves its like, and so also every man his neighbor";[9] and Aristotle asserts that friendship either finds equals or makes them equal. Yet this equality need not necessarily be perfect, but a certain proportion suffices. If the equality is excessive, sometimes envy arises per accidens, whence it is said: "The potter hates the potter." - But that familiar conversation conduces not a little to fostering love is clear from experience; for by such conversation those loving know one another better and can give one another more signs of friendship.

The effects of love are fittingly enumerated by St. Thomas[10] as five, namely, union, mutual inherence, ecstasy, zeal, and certain injuries. Love is formally affective union, insofar as those loving will the same things and do not will the same things; but it effects real union insofar as this is possible. For those loving seek personal presence and delight in it,[11] and even mutual inherence. Therefore it is said: "He who remains in charity remains in God, and God in him."[12] On account of this union with the beloved thing, love of any true and suitable good perfects the lover. Hence, e.g., a man loving God is perfected. But love of an evil or unsuitable thing injures the lover, just as, e.g., love of sin injures man. Love causes ecstasy, i.e. a going forth from the very agent, in two ways, namely, according to the intellect and according to the affection. According to the intellect indeed, because the lover, forgetful of himself, frequently thinks of the beloved, and the greater the love is, the more he forgets himself and the more often he thinks of the beloved. But according to the affection he does not seek his own good, but the good of the beloved.[13] Since love draws a man outside himself and renders him similar to the thing loved, it is of the greatest importance to love only holy and honest things. Love causes zeal,[14] because intense love seeks to exclude everything which is repugnant to it, and wishes alone to enjoy the beloved thing.[15] Zeal is sometimes (but not always) good, and so it is said in Sacred Scripture: "With zeal have I been zealous for the Lord God of hosts,"[16] and "The zeal of Thy house has eaten me up."[17] Intense love, since it produces grave bodily changes and leads a man to labor with all his powers, causes injuries or at least weakness of body.[18]

We divide the whole treatise on charity into three chapters: 1. on charity toward God; 2. on charity toward ourselves; 3. on charity toward neighbor.

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[1] "The first change of the appetite by the appetible is called love, which is nothing other than complacency in the appetible" (*S. theol.* 1, 2, q. 26, a. 2).

[2] *S. theol.* 1, q. 60, a. 1 ad 5; 1, 2, q. 26, a. 1 ad 3.

[3] Cf. *S. theol.* 2, 2, q. 23, a. 1 et 2, q. 26, a. 3, where friendship is called as it were a habit. Cf. also 2, 2, q. 80, a. unic. ad 2.

[4] Eccli. 6, 14-16.

[5] Cf. *S. theol.* 1, 2, q. 26, a. 3.

[6] Ib. - Others derive the name charity from the Greek word *charis*, which signifies grace and benevolence; and therefore they prefer to write in Latin: *charitas*. Yet the first acceptance seems better. (Cf. Fr. Schaub, *Die kath. Caritas* 51.)

[7] St. Augustine speaks of illicit charity. *Sermo* 349, c. 1 (Migne, *Patr. lat.* 38, 1529).

[8] *S. theol.* 1, 2, q. 27-28.

[9] Eccli. 13, 19.

[10] *S. theol.* 1, 2, q. 28.

[11] *S. theol.* 1, 2, q. 28, a. 1 et 2.

[12] 1 Jo. 4, 16.

[13] *S. theol.* 1, 2, q. 28, a. 3. Mystical authors distinguish ecstasy from rapture by this, that ecstasy gently, but rapture violently, abstracts the mind from the senses. Cf. *S. theol.* 2, 2, q. 125, a. 2 ad 1.

[14] Jealousy.

[15] *L. c.* a. 4.

[16] 3 Reg. 19, 10.

[17] Ps. 68, 10.

[18] *S. theol.* 1, 2, q. 28, a. 5.

Chapter I. On charity toward God

In this chapter we shall treat: 1. of the nature and properties of charity; 2. of the necessity of charity; 3. of the vices opposed to charity toward God.

Article I. On the nature and properties of charity

552. Definition. Charity is a virtue divinely infused, by which we love God as the highest good on account of Himself, and ourselves and neighbor on account of God, or rather, with St. Thomas:[19] "Charity is a certain friendship of man toward God" (founded upon the communication of eternal beatitude).

It is explained. It is said 1: Charity is a virtue divinely infused; by these words is excluded: a) the erroneous opinion of Peter Lombard (the Master of the Sentences), teaching that habitual charity is the Holy Spirit Himself inhabiting the soul of the just man and moving it to acts of charity immediately and not through the medium of some habit.[20] This opinion is opposed to St. Paul, who says: "The charity of God has been poured forth in our hearts by the Holy Spirit, who has been given to us."[21] In this text charity and the Holy Spirit are manifestly shown as two distinct things. b) The opinion of certain theologians is excluded (Scotus, several Scotists, Bellarmine, etc.), teaching that charity is identified with sanctifying grace. For sanctifying grace is received in the essence of the soul and perfects it in the order of being, but charity is received in the will, which it perfects in the order of acting. Hence Sacred Scripture speaks of grace and charity as of two distinct things: "The grace of our Lord Jesus Christ and the charity of God."[22] But although charity is really distinct from sanctifying grace, nevertheless it is inseparably joined with it, so that with it charity is both born in justification and perishes through mortal sin. - Charity is one and a special virtue, although it extends itself to God, to neighbor, and to ourselves, because by the same charity and by the same motive we love God, neighbor, and ourselves, as will be clear from what is to be said concerning the motive of charity.

It is said 2: by which we love God as the highest good, etc.; by these words the object of charity is designated.

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[19] *S. theol.* 2, 2, q. 23, a. 1 et 5.

[20] I Sent. dist. 17; cf. St. Thomas on this place, a. 1.

[21] Rom. 5, 5.

[22] 2 Cor. 13, 13. Cf. St. Thomas, *S. theol.* 1, 2, q. 113, a. 3; *De verit.* q. 27, a. 2; Billuart, *De gratia* diss. 4, a. 4.

553. The primary object which of charity is God Himself, insofar as He is proposed to us by faith. For it is said: "Thou shalt love the Lord thy God from thy whole heart, and from thy whole soul, and from all thy powers, and from thy whole mind."[23]

The secondary object to which is all creatures, insofar as they are capable of divine beatitude.[24] Hence it is said: "But the second [precept] is like to this: Thou shalt love thy neighbor as thyself."[25] Therefore charity extends itself to all men and angels, but in no way to the damned and the demons in Gehenna, because they are no longer capable of divine beatitude.

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[23] Luc. 10, 27.

[24] Sometimes the material object of charity is taken not only for those to whom we will good, but also for the things which we will to the beloved. In this broad sense the object of charity is absolutely all things, indeed even demons, insofar as from charity we will all created beings to serve for the honor of God and the utility of man (cf. *S. theol.* 2, 2, q. 25, a. 3 et 11).

[25] Matth. 22, 39.

554. The formal object by which, or the formal motive reason of charity, is the goodness of God, as it is lovable in itself and on account of itself, knowable by supernatural light. This is the most common opinion of theologians against a few, e.g. Vinc. Bolgeni,[26] Ballerini,[27] who think that God as good to us is the motive of charity. But the reason is that charity is a love of benevolence, not a love of concupiscence, which generates hope and not charity. That the motive of charity is the goodness of God apprehended by supernatural light (of faith or glory), and not by natural reason alone, is clear from the fact that otherwise charity would be a natural habit.

Theologians dispute whether by divine goodness, which is the formal object of charity, there must be understood only the totality of all the divine perfections, or whether any perfection taken separately, abstracting from the others, can also be understood, e.g. whether God can be loved with true charity on account of His infinite justice, wisdom, etc.[28] In practice this controversy is of little or no utility; for it is certain that all divine attributes are lovable. Moreover, if from love of some divine attribute we proceed to a true and sincere dilection of God above all things and to true love of benevolence, then charity is present. - Gratitude per se is not the love of charity, but the moral virtue of gratitude; just as neither is love toward Christ suffering for us; nevertheless they most easily pass over into charity. Hence the faithful are to be exhorted to elicit such acts of gratitude and love toward Christ.

Therefore divine goodness is the motive on account of which we love God by charity; the same goodness is also the motive why we love ourselves and our neighbors, namely because divine goodness shines forth in us and in our neighbor, insofar as a) the image of God shines in all of us, b) Christ died for all of us, c) insofar as we have all been called to the same beatitude. Hence it is said: "If we love one another, God remains in us, and His charity is perfected in us.... And this commandment we have from God, that he who loves God should love his brother also."[29] Therefore there is one and the same charity by which we love God, neighbor, and ourselves, because, namely, there is one and the same formal motive. But if someone loves his neighbor from another motive, e.g. on account of benefits received, on account of his excellent qualities (whether natural or supernatural), insofar as they are his perfections, it is not the love of charity. Nor does it matter that perhaps they are supernatural qualities infused by God, because supernaturality there stands only materially. Yet if those perfections are considered as participations of divine perfection and the beginning of eternal beatitude, they can be loved with the love of charity. Thus at least the more common and truer opinion, against Vasquez, Lessius, De Coninck, Herincx, who think that in this case there is a certain love inferior to charity, although perhaps supernatural.[30]

[26] *Della carità o amor di Dio*, Rome 1788.

[27] *Opus theol. mor.* II, de carit. n. 68 sqq.

[28] Cf. Cajetan, Banez, Sylvius on 2, 2, q. 23, a. 4.

[29] 1 Jo. 4, 12 et 21.

[30] Cf. Bouquillon, *De virt. theol.* l. 3, n. 411; Billuart, *De car.* diss. 1, a. 3, §2.

555. Corollary. From the definition thus far explained it follows: a) that charity is perfect love of benevolence, and b) that it is love of friendship.

a) Charity is love of benevolence, because its motive is the goodness of God as it is in itself; and by charity we love God on account of Himself and not on account of our utility. Certainly even in perfect charity love of concupiscence can be present, but it ought not be the last end. In the love of God man usually begins from love of concupiscence and proceeds all the way to love of benevolence. For in all his acts man necessarily seeks his own beatitude; but when he sees that this beatitude consists in nothing else except conjunction with God, from there he seeks God. But indeed, when he has begun to cultivate God on the occasion of his own necessity, by frequently thinking, reading, praying, obeying, by a certain familiarity of this kind God gradually becomes known and consequently also becomes sweet; and thus, having experienced how sweet the Lord is, man passes over to loving God on account of Himself, i.e. with pure love of benevolence.[31]

Love of benevolence includes three acts, namely, 1. joy concerning the divine goods, 2. desire of increasing them, insofar as this is possible to man, 3. exterior zeal of promoting the glory of God.

1. Love of benevolence causes joy or complacency concerning the goods which God possesses. Hence Christ says to the Apostles: "If you loved Me, you would indeed rejoice, because I go to the Father";[32] and St. Augustine is said to have exclaimed most beautifully: "Lord God, I love Thee in such a way that, if I were God and Thou Augustine, I would wish to be Augustine, so that Thou mightest be God." Thus St. Francis de Sales relates,[33] who himself also prayed: "I rejoice more concerning Thy infinite perfections, O Lord, than if those same perfections were mine; I rejoice that nothing in the world can take them away from Thee or diminish them." From joy and complacency concerning the divine perfections, man is induced to the praise of God: "Glory to God in the highest." ... "We praise Thee, we bless Thee, we glorify Thee." ... "We praise Thee, O God, we confess Thee as Lord."

2. Desire, as it is an act of benevolence toward God, ardently intends to promote the glory of God everywhere. Hence the sincere lover of God wills and prays that all men may grow in the knowledge and love of God. "Let the peoples confess Thee, O God, let all the peoples confess Thee";[34] and: "Bless the Lord, all ye works of the Lord."[35] "Hallowed be Thy name, Thy kingdom come."[36] - This desire also produces sadness concerning sins and offenses committed against God; it causes filial fear, lest we be separated from God loved above all things.

3. Zeal for promoting the glory of God arises when love does not stand in affection alone, but also works exteriorly; this indeed happens in two ways: a) when someone, according to Christian prudence, tries with his powers to repel those things which are against the honor or will of God, as mortal sins are in the first place;[37] b) when someone positively promotes the honor of God, e.g. in his own exemplary life; by observing the commandments of God most perfectly according to that: "He who has My commandments and keeps them, he it is who loves Me";[38] by promoting in other men the exercises of religion and of the virtues.

[31] Cf. St. Bernard, Ep. 11, n. 8 (Migne, *Patr. lat.* 182, 113-114).

[32] Jo. 14, 28.

[33] *Traité de l'amour de Dieu* l. 5, c. 6. Cf. Ribadeneira, *Vita S. Aug.* at the end.

[34] Ps. 66, 4.

[35] Dan. 3, 57.

[36] Matth. 6, 9; Luc. 11, 2.

[37] Cf. *S. theol.* 1, 2, q. 28, a. 4.

[38] Jo. 14, 21.

556. b) Friendship, as was said above, n. 551, implies three things, namely, that it is love of benevolence, that it is mutual love, and that some communication of goods intervenes between those loving. But these three things are found in true charity, whence St. Thomas aptly teaches that charity is true friendship (*Freundschaftsliebe*). For without doubt God loves men with love of benevolence, since He has given us the most precious goods, without having any advantage of His own from it. "For God so loved the world that He gave His only-begotten Son."[39] That the love of charity is mutual and known as such is clear of itself; for God knows this love and man knows it. But that some communication arises from this mutual love[40] Sacred Scripture manifestly indicates: "Through whom He has given us the greatest and precious promises, that by these you may be made partakers of the divine nature."[41] Therefore man having sanctifying grace and charity participates in the divine nature and beatitude, just as iron placed into fire participates in the nature and force of fire. Since these things are so, the just man truly is and is named a friend of God. "You are My friends, if you do the things which I command you";[42] and: "Thy friends, O God, have been made exceedingly honorable."[43] - This love of friendship extends itself not only to God, but on account of God also reaches to all those who either are already sharers of beatitude or at least are capable of it. The reason is that, as was said above, God and neighbor are loved by the same charity.

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[39] Jo. 3, 16.

[40] Another communication (which is called *koinonia* by Aristotle), namely, a certain likeness between those loving, is the foundation of friendship; but another communication, namely, of goods, is the effect of friendship.

[41] 2 Petr. 1, 4.

[42] Jo. 15, 14.

[43] Ps. 138, 17. The Hebrew text differs greatly from the text which the Vulgate and the Septuagint have.

557. The properties of charity are three: for charity ought to be 1. supernatural, 2. efficacious, 3. appretiatively supreme.

1. That charity is supernatural is clear of itself; for it is an infused virtue and necessarily joined with sanctifying grace. Therefore its principle is supernatural. Moreover, both its formal object which and its formal object by which are supernatural, as appears from what was said above.
2. Charity ought to be efficacious. Therefore a mere affection of charity, or affective charity, does not suffice, as the Quietists wished. For this reason we are admonished: "Let us not love in word nor with the tongue, but in deed and in truth";[44] and Christ says: "He who has My commandments and keeps them, he it is who loves Me."[45] But St. Gregory[46] briefly asserts: "The proof of love is the showing forth of work."

3. Charity ought to be appretiatively supreme, i.e. we ought to esteem God more highly than every creature, so that we are prepared rather to lose the whole world than the friendship of God through sin. In this sense we commonly say that we love God above all things. Hence it is commanded: "Thou shalt love the Lord thy God from thy whole heart, and in thy whole soul, and with thy whole mind";[47] and "He who loves father or mother more than Me is not worthy of Me; and he who loves son or daughter above Me is not worthy of Me."[48] But the intrinsic reason is that it is an atrocious injury to put infinite God after any creature. - But it does not belong to the essence of charity that God be loved intensively or sensibly in the highest degree. For the intensity of the will and the sensation of love proceed not so much from the dignity of the object as from its vivid perception and proximity. But many created objects are perceived by us as more proximate and are felt more vividly by us than God. Therefore, e.g., a man does not sin who feels a more vivid love toward parents, friends, etc., than toward God; provided, however, that he is always prepared to lose all things rather than the friendship of God.

Degrees of charity. Although charity ought to be appretiatively supreme, nevertheless it admits degrees: the first degree is when God is loved in such a way that man, on account of no creature, wills to lose friendship with God through mortal sin. Then man is engaged in the so-called purgative way, by which he strenuously resists disordered concupiscence drawing him to mortal sin. - The second degree exists when man, on account of no creature, wills not only not to lose but not even to diminish friendship with God, which would happen through venial sin. It is the illuminative way, in which man, through diligent exercise of the virtues, is strengthened and perfected in grace. The third and highest degree of charity has been obtained when man loves God in such a way that he avoids even all voluntary imperfections on account of the love of God, with whom he is intimately united. Then in any act whatsoever man chooses that which he thinks will please God more. It is the unitive way, by which man lives in sweet union with God. The first degree belongs to beginners, the second to the proficient, the third to the perfect.[49]

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[44] 1 Jo. 3, 18.

[45] Jo. 14, 21.

[46] *Hom. in Evang.* l. 2, hom. 30 (Migne, *Patr. lat.* 176, 1220).

[47] Matth. 22, 37; cf. Deut. 6, 5.

[48] Matth. 10, 37.

[49] St. Thomas explains these three degrees of charity somewhat differently (*S. theol.* 2, 2, q. 24, a. 9).

558. The efficacy of charity follows from its very nature. For since charity is true friendship with God, it cannot be together with mortal sin, since mortal sin is a direct turning away from God and therefore true enmity with God. Therefore an act of true charity destroys mortal sin and justifies the sinner. The third degree of charity is not required, but the first suffices. Therefore such an act of charity is not as difficult as is asserted by some authors. But since Christ in the New Testament instituted the sacrament of baptism and of penance for the justification of the sinner, it is required that the sinner eliciting, with divine help, an act of charity have at least an implicit vow of receiving the sacraments. - An act of true charity is the dispositive cause; but the formal and at the same time efficient cause of our justification is sanctifying grace.

There are some older authors teaching that even the love of noble concupiscence, namely, of supernatural beatitude, suffices for obtaining justification. This opinion, taken in its obvious sense, must be rejected and has no solid foundation. But if, under the love of beatitude, there is understood the love by which we vehemently desire to be united to God, that love is true friendship and charity, and suffices that we be proximately

disposed to justification. In this sense St. Paul elicited an act of perfect charity, saying: "For to me, to live is Christ and to die is gain, ... having a desire to be dissolved and to be with Christ."[50]

[50] Phil. 1, 21, 23.

559. Scholion 1. On the excellence of charity. According to Protestants, faith, i.e. confidence, is the most excellent virtue, because it causes justification. But according to Catholic doctrine, charity is simply the most excellent virtue,[50a] and the precept of charity is the first and greatest commandment. Hence St. Paul says: "But now there remain faith, hope, charity, these three; but the greatest of these is charity."[51] But the intrinsic reason for this excellence is that, among the virtues, that one is more powerful which more attains God. But charity attains God much more intimately than any other virtue. Certainly faith and hope also directly attain God, from whom knowledge of supernatural mysteries and the attainment of beatitude come to us; but not as perfectly as charity, which "attains God so as to stand in Him, not so that something may come forth from Him to us."[52] Charity is more perfect not only than all the other virtues but also than the gifts and fruits of the Holy Spirit. For through charity man is, as it were, essentially united with the Holy Spirit; but through the gifts he is only made apt to be moved well by the Holy Spirit.[53] - The preeminence of charity also appears from its effects: 1. Charity alone remits mortal sins by disposing immediately for justification, when the sacraments of the dead cannot actually be received. 2. Charity alone constitutes true friendship between God and man, as was said above. 3. Charity alone is the form of all the other virtues; and therefore faith and hope lacking charity are expressly called unformed virtues. A few things must be explained about this quality of charity.

Scholion 2. On charity as the form of all virtues. Charity is not the form of being of all virtues, as though it constituted the essence of each virtue;[53a] for every virtue has its own essence distinct from the essence of charity. Scholastics usually call the vital principle the form of a thing. But since all virtues without charity are dead and are not able to do anything meritorious of eternal life, while on the contrary, when charity is added, they become living, so that their works are meritorious of eternal life, charity is deservedly called the vivifying principle and the form of the other virtues. But the remaining virtues without charity are so imperfect and weak that they cannot render a man simply virtuous and good; on the contrary, together with charity sanctifying grace is infused with all the other virtues, so that man becomes simply good and virtuous. - The Scholastics called charity the form of all virtues under a threefold respect:

1. Because it commands or orders the acts of all the virtues and strongly and at the same time sweetly excites them to most perfect acts. In this sense St. Paul says: "Charity is patient, is kind, ... bears all things, believes all things, hopes all things, endures all things."[54]
2. Because all the virtues ought to tend into that which is the proper object of charity, namely, into union with God. Hence St. Thomas says: "Charity can be called the exemplar form of the virtues, not according to whose likeness the virtues are generated, but insofar as they operate in some way according to its likeness."[55]
3. Because only from the influence of charity, whether actual or virtual, are the acts of the other virtues meritorious. But concerning the quality of this influence theologians do not agree. Some, e.g. Vasquez,[56] teach that habitual charity and the habitual influence of charity suffice, so that all honest works of a just man are meritorious; others, namely, the Jansenists and certain older Louvain theologians, thought that the actual influence of charity was necessary in any act whatsoever, which otherwise would not be meritorious. Finally others, namely, the greater part of the Thomists and many others, teach that some virtual influence of charity is required and suffices for rendering truly meritorious each honest work

done in the state of sanctifying grace. This last opinion seems better, since it is defended by St. Thomas and more conformable to reason. The Angelic Doctor says: "Merit of eternal life pertains first to charity, but to the other virtues according as their acts are commanded by charity";[57] and: "Prayer, like any other act of virtue, has efficacy of meriting insofar as it proceeds from the root of charity."[58] - But the intrinsic reason is that we merit the last end, namely, perfect union with God, through that by which we tend into God. But by charity alone we tend to perfect union with God. Therefore charity, at least virtual, is necessary in all our meritorious acts, and habitual charity does not suffice.[59]

In practice this virtual influence of charity is easily present in all the acts of a just man. For "when someone orders himself to God as to an end in all things which he does on account of himself, the intention of the last end, which is God, remains virtually; hence he can merit in all things if he has charity."[60] Nevertheless the faithful are to be exhorted that they also more often actually refer their acts to the end of charity, namely, to God. For thus charity becomes more fervent; but on the fervor of charity depends the quantity of merit; and therefore the widow's small coin merited more than the treasures of the rich.

[50a] St. Francis de Sales beautifully asserts: "La charité est entre les vertus comme le soleil entre les estoiles" (*Traité de l'amour de Dieu* l. 11, c. 9).

[51] 1 Cor. 13, 13.

[52] *S. theol.* 2, 2, q. 23, a. 6.

[53] *S. theol.* 1, 2, q. 68, a. 8.

[53a] Ib. 2, 2, q. 23, a. 8 ad 1.

[54] 1 Cor. 13, 4 sqq.

[55] *Quaest. disp. de carit.* a. 3 ad 6.

[56] In 1, 2, disp. 217. In our times Ioan. Ernst proposed the same opinion in the little work *Über die Notwendigkeit der guten Meinung*, Freiburg, Herder, 1905. Likewise Chr. Pesch, *Praelect. dogm.* VIII, n. 639.

[57] *S. theol.* 1, 2, q. 114, a. 4.

[58] *S. theol.* 2, 2, q. 83, a. 15.

[59] Cf. Billuart, *De gratia* diss. 8, a. 4; *de carit.* diss. 4, a. 8.

[60] St. Thomas, *Quaest. disp. de carit.* a. 11 ad 2.

Article II. On the necessity of charity

560. Proposition 1. Habitual charity (or the virtue of charity) is necessary for salvation for all, infants as well as adults, and always has been necessary by necessity of means.

This is Catholic doctrine;[61] hence St. John says simply: "God is charity; and he who remains in charity remains in God, and God in him."[62] But he who does not have "the wedding garment,"[63] i.e. charity, will be cast into the exterior darkness. The reason is: a) because no one is saved unless he is God's friend. But through charity alone is true friendship constituted between God and man, as is clear from what was said above. Therefore no one is saved without charity. b) because no one is saved without sanctifying grace. But charity is indissolubly joined with sanctifying grace.

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[61] Conc. Trid. sess. 6, cap. 7.

[62] 1 Jo. 3, 16.

[63] Matth. 21, 13.

561. Proposition 2. Actual charity (or an act of charity) is necessary by necessity of means for all adults capable of the use of reason, a) if, existing in the state of mortal sin, they cannot receive a sacrament of the dead (baptism or penance); b) after habitual charity has been obtained, at some times in life.

The reason for the first part is that for receiving the sacraments of the dead, baptism and penance, and, through them as mediating, for receiving justification, attrition suffices, which is not an act of perfect charity.[64] But when the sinner cannot receive these sacraments, then contrition is required and suffices for obtaining justification, and contrition includes true charity.[65] Nor, however, is it required that this act of charity be perfect in every part, but the Angelic Doctor rightly says: "However small the sorrow may be, provided it reaches the character of contrition, it deletes every fault."[66] - The reason for the second part is that no adult will come to the vision of God unless he tends to union with God; and this indeed is done through actual charity. Hence St. John says concerning fraternal charity: "He who does not love remains in death."[67] The same holds a fortiori concerning divine charity.

[64] Cf. Conc. Trid. sess. 14, c. 4 de sacr. poenit. (Denz. n. 897 sq.). This opinion is now certain, whatever may be said about the nature of that attrition. Cf. below III, 342 sqq. in the treatise on penance.

[65] Cf. Prop. 71 condemned by Baius (Denz. n. 1071).

[66] *Suppl.* q. 5, a. 3.

[67] 1 Jo. 3, 14.

562. Proposition 3. Actual charity (or an act of charity) is necessary also by necessity of a special divine precept for all adults enjoying the use of reason.

The existence of this divine precept is manifestly drawn from the words of Christ: "Thou shalt love the Lord thy God from thy whole heart, and in thy whole soul, and with thy whole mind."[68] - But that this precept is special and distinct from the other commandments, and is something other than the observance of the other commandments (which some of the older authors falsely taught[69]), is clear: a) From the immediately following words of Christ: "This is the greatest and the first commandment." For if it is the greatest and first commandment, it is not the complex of all the commandments. b) From the proposition condemned by Alexander VII: "A man is never, at any time of his life, bound to elicit an act of faith, hope, and charity by force of the divine precepts pertaining to these virtues." The following condemned propositions also pertain here: "We do not dare to condemn as sinning mortally one who would elicit an act of dilection of God only once in life." "It is probable that the precept of charity toward God does not of itself oblige rigorously even in each five-year period." "It obliges only when we are bound to be justified and do not have another way by which we can be justified." These three propositions were condemned by Innocent XI in the year 1679. "A man is not bound to love either at the beginning or in the course of his moral life." Alexander VIII condemned this proposition in the year 1690.[70] - c) From the authority of St. Thomas, who says: "Nevertheless the act of dilection falls under special precepts."[71]

[68] Matth. 22, 37 sq.

[69] E.g. Joan. Sanches (*Select. disp.* 1, n. 2), Maldonatus (*Comm. in Matth.* 22, 38).

[70] These condemned propositions are found in Denz. n. 1101, 1155-1157, 1289.

[71] *S. theol.* 2, 2, q. 44, a. 1 ad 1.

563. Extension of this precept. The precept of charity, insofar as it is negative, prohibits sins against this virtue, about which discussion will return below; but insofar as it is affirmative, it obliges that sometimes a due act of charity be elicited by us. But we must: a) love God from the whole heart, from the whole mind, from the whole soul, from all the powers. The Holy Fathers explain these terms in diverse ways. But St. Thomas[72] gives this declaration: "It is commanded us that our whole intention be borne toward God, which is from the whole heart; and that our intellect be subjected to God, which is from the whole mind; and that our appetite be regulated according to God, which is from the whole soul; and that our exterior act obey God, which is to love God from the whole strength, or virtue, or powers." - b) love God with charity appretiatively supreme, as was already explained above, n. 557.

Since the affirmative precept of charity does not oblige always and for always, it is now asked:

How often and when an act of charity is to be elicited. To this question it is answered that this precept of charity obliges either per se or per accidens.

Per se there is an obligation of eliciting an act of charity:

1. At the beginning of the moral life, i.e. when man, having already obtained sufficient use of reason, knows sufficiently clearly that God is lovable and to be loved above all things.[73] For then man is bound to elicit an act of charity, because otherwise he makes little of God and consequently sins gravely. But this beginning of the moral life is not to be taken mathematically but morally, because perfect use of reason is not acquired all at once, but is usually acquired successively.[74] Good Catholics, even if they do not remember having fulfilled this precept, ought not be anxious, because they have already satisfied this obligation by any service freely rendered to God.
2. At the article of death. Thus the by far more probable opinion.[75] For a man about to depart from this world at once is bound to desire union with God, which cannot be done without an act of charity.
3. More often in life. Thus it is established from the condemned propositions recounted above. But if it is now asked how often in life a man is bound per se to elicit an act of charity, theologians do not agree, nor can anything else certain be said except that an act of charity must be elicited more often than every five years. Thus from the condemned proposition cited above. St. Alphonsus[76] thinks that man is bound under grave sin to elicit an act of charity every month; others will that this obligation exists on every Sunday and feast day.[77] - Besides, the faithful of fearful conscience ought not be anxious about transgression of this precept, because they sufficiently elicit an act of charity as often as from the intention of honoring God they perform some pious work, as often as they pour forth pious prayers, etc. For even in the mere recitation of the Lord's Prayer three acts of charity are contained; namely, the threefold desire that the name of God be sanctified, that the will of God be done in heaven and on earth, that the kingdom of God come.

Per accidens the obligation of eliciting an act of charity urges:

1. As often as someone is engaged in a danger of sinning which cannot be removed without an act of charity. This case can easily occur if someone suffers grave temptations of hatred against neighbor, which cannot be conquered without a strong act of charity toward God, since He prohibits every hatred against neighbor, since neighbor is the image of God.
2. As often as someone, existing in the state of mortal sin and lacking a confessor, is bound to recover the state of sanctifying grace; e.g. someone is bound to receive some sacrament of the living, or someone is

bound solemnly to administer some sacrament while he himself is in the state of mortal sin and lacks access to a confessor. For then an act of perfect contrition must be elicited, which is necessarily joined with an act of charity. - Some theologians have asserted that after mortal sin has been committed a man is bound immediately to elicit an act of contrition and charity; this opinion today has been abandoned by all, as less conformable to the decrees of the Council of Trent.[78] Certainly it is best and very much to be advised to rise as quickly as possible from the state of mortal sin, but nowhere does there exist a grave precept of effecting this resurrection immediately.[79]

Note. It is very salutary that we elicit acts of charity most frequently; and therefore Benedict XIV[80] exhorts bishops that in any parish church they have the acts of faith, hope, and charity read aloud to the people on all Sundays and feast days.

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[72] Ib. a. 5.

[73] Cf. *S. theol.* 1, 2, q. 89, a. 6.

[74] Cf. Billuart, *De pecc.* diss. 8, a. 7.

[75] St. Alphonsus (*Theol. mor.* II, 23) calls this opinion most probable.

[76] *Homo apost.* tr. 4, n. 14.

[77] Billuart, *De gratia* diss. 4, a. 7, §2.

[78] Sess. 14, c. 4 de sacr. poenit. (Denz. n. 897 sq.).

[79] Cf. St. Alph., *Theol. mor.* l. 6, n. 437.

[80] Const. *Etsi minime*, d. 7 Febr. 1742.

Article III. On the vices opposed to charity toward God

564. Every mortal sin is generally opposed to charity toward God, since it destroys friendship with God and consequently charity; but specially there are opposed to charity, by way of commission, two vices: hatred of God and acedia;[81] and by way of omission: omission of a due act of charity. Concerning omission of the act of charity enough has already been said in the preceding article. It remains to speak about hatred of God and acedia.

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[81] Older authors, speaking of vices against charity, were accustomed to bring forward at the same time vices against charity both toward God, toward oneself, and toward neighbor. Thus, e.g., William Peraldus, O.P., in his excellent treatise *Summa virtutum ac vitiorum*, writes: "There seem to be opposed to charity excessive love of ourselves, vain love of the world, hatred of neighbor, and generally a damnable offense of God" (t. I [ed. Venice 1771], p. 276, *de carit.* c. 17).

§ 1. On hatred of God

Notions. Hatred in general is an act by which we turn away from some evil. But that evil can be a thing or a person. Now we are speaking about hatred of another person. But someone can be ill-disposed toward another person either because that person is evil or abominable, or because some evil is wished to him. In the first case there is the so-called hatred of abomination, which consists in an aversion of soul by which we flee from and repel some person as harmful to us or ours (i.e. to persons joined to us, e.g. blood-relations or friends). But in the other case there is hatred of enmity or malevolence, which precisely intends evil so that it may harm another. Thus, e.g., a wife can have hatred of abomination against the drunkenness of her husband, whom

nevertheless she herself loves; likewise against those who lead her husband into drunkenness. But if she wishes evil to these seducers, she has hatred of enmity.

Hatred of abomination is opposed to the love of concupiscence; because, just as by the love of concupiscence we will good to ourselves, so by hatred of abomination we turn away evil from ourselves. Such hatred is licit if it does not exceed due measure and touches rather the defects than the person himself, as is clear from the example just given of the wife who hates the drunkenness of her husband. Hence the pious Psalmist also says: "I have hated the iniquitous."[82]

Hatred of enmity is opposed to the love of benevolence and friendship; for just as by the love of benevolence we will good to another, so that it may be well with him, so by hatred of enmity we will evil to another, so that it may be ill with him. But just as love of concupiscence often leads to love of benevolence, so conversely hatred of abomination is accustomed to beget hatred of enmity; for from the fact that we turn away from someone as very troublesome to us, we are easily induced to will evil to him and to regard this evil as our good. Hatred of enmity is sometimes almost diabolical. For just as the devil wishes evil to God and men precisely in order to harm, although he knows that he can obtain no advantage for himself from it, so certain perverse men, stirred by hatred, wish and procure destruction for enemies with their own evident danger and without hope of any other advantage.

Hatred of abomination toward God is to turn away from some perfection of His, e.g. justice, omnipotence, as harmful to us. Thus perhaps an obstinate lustful sinner hates punishing divine justice. Hatred of enmity is to wish evil to God.

Malice. Every hatred of God is a mortal sin from its whole genus; indeed if it is hatred of enmity, it is, from its genus, the gravest of all sins.

The reason is: a) because it is a direct turning away from God, the highest good; b) because it is directly opposed to the most excellent virtue, namely, charity. Yet on account of special circumstances sometimes some other sin can be graver than hatred of God, e.g. the betrayal of Judas Iscariot done on account of avarice seems to be a greater sin than the hatred of God of some Freemason. - It has been said advisedly that every hatred of God is a mortal sin, because hatred of God, if it is a fully deliberate act, does not admit smallness of matter, since it always includes a grave offense against God and a grave disordering against right reason.

Hatred of God is so opposed to right reason that the Angelic Doctor[83] proposes a special question to himself: "Whether someone can have hatred toward God." But he answers that God, seen according to His essence, which is supremely lovable, cannot be held in hatred; but that according to the effects of justice, which are repugnant to a disordered created will, sinners and the damned can hate God, who justly and severely punishes crimes, and who commands the moral order and requires the highest reverence to be shown to Himself.

Note. 1. Not every hatred of punishments inflicted or to be inflicted by God is hatred of God; for many hate punishments, who nevertheless bear them patiently on account of reverence for divine justice. Indeed murmuring against divine providence is not always hatred of God, unless nevertheless blasphemy against God is added.

2. Although charity toward God, toward self, and toward neighbor is the same virtue, nevertheless hatred of God, hatred of self, and hatred of neighbor are not the same sin; for diverse sins can be opposed to one virtue. Hence the sin of hatred of God is distinguished in species from the sin of hatred of self and

of neighbor. Indeed not all hatreds of neighbor are of the same species; thus to have hatred toward one's father is a different sin from hating some foreign person.

[82] Ps. 118, 113.

[83] *S. theol.* 2, 2, q. 34, a. 1.

§ 2. On acedia

565. Acedia is a certain aggravating sadness, namely, one that so depresses the soul that it pleases one to do nothing; and therefore acedia implies a certain weariness of working or a certain torpor of mind neglecting to begin goods.[84] Acedia, insofar as it is a special vice, can be defined: disgust and sadness concerning spiritual goods or concerning the means of eternal salvation, on account of the difficulty experienced in acquiring and using them. Taken in this sense, acedia is a mortal sin from its genus, as directly opposed to charity, which not only is not saddened but rather rejoices concerning spiritual and divine goods and fervently pursues them according to that of the Psalm: "I rejoiced at the things that were said to me: We shall go into the house of the Lord."[85] Cf. those things said above, n. 434 sqq., concerning the malice, effects, and remedies of acedia.

[84] *S. theol.* 2, 2, q. 35, a. 1.

[85] Ps. 121, 1.

Chapter II. On charity toward ourselves

Preliminary note. After those things which have been said about charity toward God, a few things remain to be noted about charity toward ourselves; namely, about the obligation of loving ourselves with true charity, and about the opposed vices. A longer discussion about the so-called injuries against one's own body will return below in the treatise on justice, II, n. 112 sqq.

Here we are not speaking a) of love of self, insofar as it is an innate appetite of seeking one's own beatitude. For such an appetite is not a virtue, since it is necessary. For in every act man necessarily seeks his own beatitude; b) of natural love of self, by which a man freely seeks for himself some natural goods without a supernatural motive. For such love is indeed moral, but is not a theological virtue; c) of supernatural love of self of hope or concupiscence, by which man wishes supernatural beatitude for himself. For such love pertains to the virtue of hope, as was said above.

Therefore the discussion is about supernatural love of self of charity, by which a man loves himself on account of God and in God, insofar as he is a son of God.

566. 1. The obligation of loving ourselves with the love of charity is already manifestly supposed when we are commanded to love neighbor as ourselves.[86] But the reason is that charity extends itself to all who are capable of eternal beatitude. Among these are also we ourselves. Therefore St. Thomas[87] teaches: "We can speak about charity according to its proper notion, namely, insofar as it is principally friendship of man toward God, and consequently toward those things which are God's, among which also is the very man who has charity; and thus among the other things which he loves from charity as pertaining to God, he also loves himself from charity." - But because even our body is a sharer of beatitude, it also ought to be loved with the love of charity.[88] Excellent indeed is this reason of the Angelic Doctor, and at the same time it is the only norm and rule in our love: we ought to love ourselves, i.e. soul and body, insofar as we belong to God. For this reason in loving ourselves we ought always to intend also the glory of God. Hence in seeking the good of the body, e.g.

health, pleasure, life, etc., we ought to direct all these things (at least implicitly) to the glory of God; likewise goods of the soul, e.g. instruction, knowledge, honor, etc., are not to be loved and sought on account of themselves, but on account of God. But all things which turn us away from God must be held in hatred. Therefore man is bound to restrain disordered passions; he ought to inflict reasonable mortification upon the body, since after original sin it weighs down the soul and is always prone to rebel. But a Christian man is in no way bound to flee all pleasures, but can and ought to rejoice; he can enjoy earthly things according to right reason. Hence man not only can, but also ought, to take honest recreations to restore the powers of mind and body.

It is of great importance that every man have a true and ordered love toward himself. For deservedly St. Thomas[89] says: "Disordered love of self is the cause of every sin"; and St. Augustine[90] vividly says: "Two loves have made two cities: namely, the earthly city, love of self even to contempt of God; but the heavenly, love of God even to contempt of self." - To love is to will true good to someone. Therefore he truly and ordinately loves himself who wills true good to himself. But the true good of man is that which renders the soul better and more similar to Christ. For Christ was the most perfect man, and He often admonishes us to follow His example. Therefore true and most perfect love of self consists in the imitation of Christ.

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[86] Matth. 22, 39.

[87] *S. theol.* 2, 2, q. 25, a. 4.

[88] Cf. *S. theol.* 2, 2, q. 25, a. 5 ad 2.

[89] Ib. 1, 2, q. 77, a. 4.

[90] *De civ. Dei* l. 14, c. 28.

567. Love of one's own body. From love of ourselves we are obliged to preserve our own life, health, and the integrity of the members, unless nevertheless the common good or even a contrary spiritual good requires otherwise. Thus, e.g., in war the common good requires that soldiers sacrifice their own health, and even life itself. On account of one's own spiritual good, someone can impose hard mortifications on himself, which harm health in some way; on account of the spiritual good of a parish the pastor of souls is bound to expose his life to danger.

The obligation of preserving life and health extends to ordinary means, but not (except rarely) to extraordinary means. For he who would not even wish to use ordinary means for his own preservation would thereby bring death upon himself, which certainly is not licit. Such ordinary means are, e.g., to call a physician during illness, to take sufficient and suitable nourishment, etc. But a man is not bound to use extraordinary means, even if he can, because such an obligation is not established, and because otherwise too grave a burden would be imposed. But which means are extraordinary must be discerned according to prudent judgment. As extraordinary means are held, e.g., a long journey into a healthier climate, a surgical operation very painful or burdensome, such as the amputation of both thighs. Today, however, on account of the great perfection of surgical art, ordinary operations, such as an operation of the appendix or of a hernia, are no longer considered extraordinary means. Yet sometimes someone is bound to use even extraordinary means, namely if his life is very necessary for the family or for the common good; e.g. a mother ought to use extraordinary means for preserving life if otherwise her children would remain orphans living in great distress.

568. 2. The sins opposed to charity toward oneself are all comprehended in hatred of self. Formally speaking, man indeed cannot have hatred toward himself, because in all his acts he necessarily seeks his own happiness and not his own evil.[91] But in a broad sense, namely, of harm caused, Sacred Scripture and the Holy Fathers

speak about hatred of self, e.g. "He who loves iniquity hates his own soul."[92] "Those who commit sin and iniquity are enemies of their own soul."[93] Therefore hatred of self consists in diverse harms which man voluntarily inflicts upon himself, namely:

a) The gravest harm which man inflicts upon himself is mortal sin itself, by which he kills his soul and destroys true supernatural charity in himself; hence it is rightly said: "He who loves iniquity hates his own soul."[94]

b) Next, he sins against charity toward himself who without sufficient reason exposes himself to danger of soul or body. Likewise he who after a fall into mortal sin delays penance for a long time. For sin which is not soon destroyed by penance draws another by its own weight. But what is a long delay authors do not agree,[95] nor can it be determined mathematically, since this depends on a man's proclivity to sinning.

c) He who commits suicide, or who rashly diminishes or ruins the health of the body, likewise sins against charity toward himself. But I say rashly diminishes, for on account of sufficient reasons, and especially on account of spiritual good, it is licit to undergo bodily austerities and to expose bodily health to danger, as was said.[96]

d) Disordered egoism, which in its actions chiefly seeks certain temporal utilities of its own, harms charity toward oneself; for charity does not seek the things that are its own.[97]

Scholion 1. On the manner of confessing sins committed against charity toward oneself. In confession it suffices to declare the acts committed against the salvation of soul or body, without its being necessary expressly to say that these acts were sins against charity toward oneself. The reason is that the confessor can judge sufficiently about these committed acts. Moreover, those sins often harm not only charity toward oneself, but also justice. For man is not the absolute master of his body, but only as it were a steward. If, therefore, he rashly harms his body, he harms justice owed to God and to the community.

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[91] Cf. *S. theol.* 1, 2, q. 29, a. 4.

[92] Ps. 10, 6.

[93] Tob. 12, 10.

[94] Ps. 10, 6.

[95] Cf. St. Alph., *Theol. mor.* l. 6, n. 437, dub. 1.

[96] Cf. below II, n. 112 sqq., on injuries against one's own body.

[97] 1 Cor. 13, 5.

569. Scholion 2. On the obligation of working. Work, taken in the strict moral sense, seems to be a free and burdensome exercise of human powers for obtaining some useful good (and not only something delightful). Therefore work, whether it is spiritual or bodily, is necessarily productive and gainful; and consequently unproductive operations, although they may be burdensome, such as some games commonly called "sport," are not work properly so called, because they primarily intend delight or glory. In a broader sense work is any human operation, whether it is exercised by body or by mind, e.g. mental and vocal prayer. - Productive work is certainly necessary for the human race, since it cannot exist without it. But for individual men work is indeed necessary in this sense, that it is not licit to spend one's whole life in idleness; yet it is not necessary for them at a determined time, unless:

a) otherwise they cannot licitly have suitable sustenance. But those who lawfully obtain suitable sustenance for themselves from elsewhere are not bound for this reason alone to work, as, e.g., religious leading a contemplative life;

b) otherwise idleness, from which many evils arise, cannot sufficiently be avoided. Yet this dangerous idleness can also be avoided in other ways;

c) otherwise evil passions cannot sufficiently be tamed. But evidently other means also exist for obtaining this end;

d) otherwise the good of society is not sufficiently promoted. Without any doubt a great social importance belongs to work, since it brings many goods to human society, but it can by no means be proved that each person must promote social good in this way.

e) Since, therefore, from none of the four reasons adduced is the complete necessity of productive work for each man established, and since moreover no clear positive divine[98] or human precept of working can be brought forward, it follows a) that every man is not strictly obliged to labor; but from right love both of himself and of human society, reasonable work is to be most highly commended to everyone; b) that a work stoppage is not intrinsically evil, although it is to be avoided as far as possible.[99]

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[98] In several places of Sacred Scripture work is indeed greatly commended, but is not strictly commanded. Thus, e.g., St. Paul writes: "For if any man will not work, neither let him eat. For we have heard that there are some among you who walk restlessly, working not at all, but curiously meddling. But to those who are of this sort we announce and beseech in the Lord Jesus Christ, that, working with silence, they eat their own bread" (2 Thess. 3, 10 sqq.).

[99] Cf. below II, n. 309; *S. theol.* 2, 2, q. 187, a. 3.

Chapter III. On charity toward neighbor

From what was said above, n. 554, it is established that charity toward neighbor is not another virtue than charity toward God, because the same formal object by which is present. "For the reason of loving neighbor is God; for this is what we ought to love in neighbor, that he be in God. Hence it is manifest that the act by which God is loved and the act by which neighbor is loved are the same in species. And on account of this the habit of charity extends itself not only to the dilection of God, but also to the dilection of neighbor."[1]

We divide this whole chapter into three articles: 1. on the existence, extension, and order of the precept of charity toward neighbor; 2. on the works of charity; 3. on the sins opposed to this charity.

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[1] *S. theol.* 2, 2, q. 25, a. 1.

Article I. On the existence, extension, and order of the precept of charity toward neighbor

We divide this article into three paragraphs: 1. on the existence of this precept; 2. on the extension of this precept to enemies; 3. on the order of charity.

§ 1. On the existence of the precept of charity toward neighbor

570. Proposition. There exists a special precept of loving neighbor with supernatural love, both affective and effective.

Preliminary note. Natural love, by which neighbor is loved on account of natural gifts, whether material (e.g. on account of his beauty, goods of fortune, etc.) or spiritual (e.g. on account of his knowledge, talent, art, etc.), is distinguished from supernatural love, by which he is loved on account of God, insofar as the neighbor is a son of God, brother of Christ, temple of the Holy Spirit, etc. For just as we love the son of our friend on account of the friend, so also we ought to love neighbor as the son of God, loved above all things. Even purely natural love, by which we love neighbor, is licit per se, provided it is not disordered; but now we are not speaking about it. - As was already noted above, by the name neighbor we understand all creatures which are capable of heavenly beatitude, namely, all men on this earth (and consequently even sinners, heretics, Jews, etc.), all the blessed in heaven, and the souls in purgatory; but not the damned in Gehenna, as obstinate enemies of God. - Just as the precept of loving God is a special precept and not only a general one, so also the precept of loving neighbor is distinguished from the other precepts. - But the love to be shown to neighbor is not only by interior affection but also by exterior work, if necessity or occasion requires this.

It is proved 1. from Sacred Scripture, which already in the Old Testament inculcated this precept,[2] and in the New Testament, which is customarily called the law of love, renewed it in many places and explained it more. Thus, e.g., after Christ had brought forward the first and greatest precept of the dilection of God, He adds: "But the second [commandment] is like to this: Thou shalt love thy neighbor as thyself."[3] "A new commandment I give to you, that you love one another. In this all will know that you are My disciples, if you have dilection for one another."[4] In this place Christ calls the precept of charity a new commandment, not indeed in the sense that previously there had been no obligation at all of loving neighbor, but because these things are new: 1. the exemplar of this dilection (the love of the Savior Himself); 2. its motive; 3. its measure and mode. St. John the Apostle again and again exhorted his disciples to love one another.[5] - "And now I ask thee, lady, not as writing a new commandment to thee, but that which we have had from the beginning, that we love one another."[6] That this charity toward neighbor must be shown not only by affection and words but also by work, the same St. John inculcates, saying: "He who has the substance of this world, and sees his brother having need, and closes his bowels from him, how does the charity of God remain in him? My little children, let us not love in word nor with the tongue, but in deed and in truth."[7] Therefore from Sacred Scripture it is abundantly established that there exists a special precept of loving neighbor by internal and external acts.

It is proved 2. from condemned propositions. Innocent XI proscribed the following two propositions:[8] "We are not bound to love neighbor by an internal and formal act"; and: "We can satisfy the precept of loving neighbor by external acts alone."

Properties of charity toward neighbor. This charity ought to be 1. affective and effective; 2. universal; 3. well ordered.

1. Charity ought to be affective and effective, i.e. it ought to produce internal and external acts. The internal acts of charity toward neighbor are after the manner of the acts of charity toward God (cf. above n. 555): 1. to rejoice together in his prosperous affairs and to be saddened together in his adverse affairs; 2. sincerely to desire good for him. - But the external acts of charity toward neighbor are to do good to him and especially to provide him the seven works of spiritual and corporal mercy, about which there will be treatment below, n. 587 sqq.
2. Charity ought to be universal, i.e. it ought to extend itself to all capable of heavenly beatitude, so that no one is excluded. The extension of charity to enemies will be treated specially below, § 2.

3. Charity ought to be well ordered both as to persons and as to goods. The order of charity will be treated below, § 3.

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[2] Cf. Lev. 19, 17 sq.; Deut. 15, 11.

[3] Matth. 22, 39.

[4] Jo. 13, 34 sq.

[5] Cf. 1 Jo. 3, 11, 23; 4, 11.

[6] 2 Jo. v. 5.

[7] 1 Jo. 3, 17 sq.

[8] Denz. n. 1160 sq.

§ 2. On the extension of the precept of charity to enemies

On the extension of the precept of charity to enemies.[9]

Notion. By the name enemy are signified: 1. all who have actually inflicted some injury upon us and have not repaired it; 2. those who have hatred for us; 3. those from whom we turn away on account of a just antipathy or some other just motive. - Enmity is directly opposed to the love of benevolence and is accustomed to arise from hatred and envy.

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[9] On the dilection of enemies several have written special little works, e.g. Mich. Waldmann, *Die Feindesliebe in der antiken Welt u. im Christentum* (Vienna 1902, Mayer); Steph. Randlinger, *Die Feindesliebe nach natürlichem und positivem Sittengesetz* (Paderborn 1906, Schoningh); J. Neeb, *De dilectione inimicorum tentamen historico-morale*, Mainz 1791.

571. Proposition. Enemies are to be loved from charity, not indeed insofar as they are enemies, but insofar as they are men.

Thus positive divine law establishes, and it is founded upon natural law.

That from natural law itself we are bound in some way to love our enemies is drawn from this, that an enemy is a creature and image of God just as we are, belonging to human society. But natural law commands that the members of the same society love one another, because otherwise the good of society is harmed by quarrels and acts of revenge arising. But since the obligation of loving enemies does not pertain to the first principles of natural law, and moreover in some cases can be so difficult to observe, it is easily understood why ancient and modern pagans scarcely knew and exercised true love of enemies.[10]

Positive divine law already in the Old Testament prescribed the dilection of enemies: "Thou shalt not hate thy brother in thy heart, but publicly reprove him, lest thou have sin upon him. Thou shalt not seek revenge, nor shalt thou remember the injury of thy citizens."[11] "If thy enemy shall hunger, feed him; if he shall thirst, give him water to drink; for thou shalt heap coals upon his head, and the Lord will repay thee."[12] But in the New Testament the precept of loving enemies is more clearly expressed and explained: "You have heard that it was said: Thou shalt love thy neighbor and shalt have hatred for thy enemy. But I say to you: Love your enemies, do good to those who hate you, and pray for those who persecute and calumniate you."[13] According to the false interpretation of the Pharisees it was licit to have hatred for an enemy and also by private authority to exercise the right of retaliation; but Christ, expressly rejecting this interpretation, commanded (and not merely counseled) sincere love toward enemies. The same Savior taught us to pray: "Forgive us our debts, as we also forgive our debtors";[14] and He Himself, hanging on the cross, prayed for His enemies.

[10] Among the ancient philosophers who not only taught but also exercised the dilection of enemies, Socrates is easily the chief, whose *aorgesia* (meekness) is praised and truly heroic (cf. Plato, *Crito* 49). His axiom was: It is better to suffer injury than to do injury. Cicero (*De Offic.* 1, 25, 88) says: "Nor indeed are those to be heard who will think that one must be gravely angry at enemies and will judge this to belong to a magnanimous and brave man; for nothing is more praiseworthy, nothing more worthy of a great and distinguished man, than placability and clemency." Yet elsewhere he says: "It is fine to hate someone freely" (*Ad Att.* 13, 49, 2). Seneca, Epictetus, and Marcus Aurelius Antoninus spoke well about the dilection of enemies, but perhaps were already under the influence of Christian truth. See Randlinger, l.c. 428 sqq.

[11] Lev. 19, 17 sq.

[12] Prov. 25, 21 sq. Cf. Tob. 4, 16; Job 31, 29 sq. Beautiful examples of the dilection of enemies are provided by Joseph, sold by his brothers and afterward doing good to them; David in the cave of Engaddi toward Saul and toward his wicked son Absalom. Likewise Job, Moses, Aaron, Samuel. In the Old Testament hatred of enemies seems not once, in appearance, to have been commanded or at least permitted. Thus in many Psalms (e.g. 34, 4-8; 54, 10, 16-24; 68, 23-29; 108, 6-20; 136, 7-9) many evils are wished to enemies; but all these things are easily explained if we observe that the Israelites wished these evils, or even inflicted them, upon enemies as a just punishment for crimes committed against God (cf. Randlinger, l.c. 90 sqq.).

[13] Matth. 5, 43 sq.

[14] Matth. 6, 12.

572. Note. a) We are not indeed commanded to love enemies because they are enemies, but although they are enemies; b) Next, we are neither bound nor can we licitly love the vices and defects of an enemy, because this would be to approve some evil; c) Finally, we are not bound to love enemies with sensible affection, as we love a friend, because this charity toward enemies is supernatural and spiritual, and consequently is not perceived in such a way by our sensitive part. The Angelic Doctor writes to the point: "Dilection of enemies can be considered in three ways: in one way indeed, that enemies be loved insofar as they are enemies; and this is perverse and repugnant to charity, because this is to love the evil of another. In another way the dilection of enemies can be taken as to nature, but in the universal; and thus the dilection of enemies is of the necessity of charity, namely, that someone loving God and neighbor not exclude his enemies from that generality of the dilection of neighbor. In a third way the dilection of enemies can be considered in the particular, namely, that someone be moved in the particular by a movement of dilection toward an enemy; and this is not of the necessity of charity absolutely, because neither is to be moved by a movement of dilection in the particular toward any individual men whatsoever of the necessity of charity, since this would be impossible. Yet it is of the necessity of charity according to preparation of soul, namely, that man have his soul prepared for this, that he would love an enemy in the particular if necessity occurred."[15]

From what has been said it clearly appears that there exists a grave precept of loving enemies with true charity; and this precept indeed embraces the following particular obligations:

1. Every hatred of enmity and every desire of revenge must be put away;
2. At least common signs of dilection are to be shown to an enemy;
3. Reconciliation is to be sought.

[15] *S. theol.* 2, 2, q. 25, a. 8.

573. 1. Every hatred of enmity and every desire of revenge must be put away, since such hatred is directly opposed to the virtue of charity, and consequently is a mortal sin from its genus. Hatred of enmity becomes a light sin not only on account of the imperfection of the act, i.e. on account of semi-full knowledge and volition, but also from smallness of matter, e.g. if someone wishes some small evil to another. St. John

vehemently reprehends hatred, saying: "But he who hates his brother is in darkness, and walks in darkness, and does not know where he is going, because the darkness has blinded his eyes."[16] It is remarkable in what destructive manner hatred blinds the mind, so that an equitable judgment is almost impossible. The same apostle says: "He who does not love remains in death. Everyone who hates his brother is a murderer, and you know that no murderer has eternal life remaining in himself."[17]

Corollaries. a) Because hatred of enmity is intrinsically evil, it is not licit to wish some evil to neighbor as it is evil; but it is licit to wish some temporal evil (not spiritual) to someone, whether on account of his amendment, or on account of the good of the community, or even on account of the good of another person deservedly more loved.[18] Care must be taken, however, lest the order of charity be harmed. Thus, e.g., it is licit to wish the death of a heresiarch who perverts many; it is licit to wish illness to an unmanageable young man, so that he may recover his senses from his vices; it is licit to desire grave temporal punishment for parents who educate their children very badly.[19]

b) If it is not licit to wish evil to an enemy, a fortiori it is not licit to imprecate evil upon him, or to curse him. Cursing (*Verfluchung*) is from its genus a mortal sin, as directly opposed to the virtue of charity. Yet in practice it is often a venial sin, not only on account of smallness of matter, but chiefly on account of the imperfection of the act. For such imprecations and curses often do not proceed from a serious soul, but are signs of momentary anger. Nevertheless they are to be carefully avoided on account of scandal and other depraved consequences.

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[16] 1 Jo. 2, 11.

[17] 1 Jo. 3, 14 sq.

[18] Cf. St. Thomas, *Comm. in Rom.* 12, lect. 5; *Quaest. disp. de carit.* a. 8 ad 2.

[19] Cf. what was said above, n. 405, concerning desire of evil on account of a good effect.

574. c) To take revenge (*Rache, vengeance*) upon an enemy is never licit, unless it is a just punishment of the delinquent and a licit protection of oneself. The reason is that revenge is usually accustomed to arise from hatred, and fraternal charity is thereby harmed. But if "the intention of the one taking vengeance is borne principally toward some good which is reached through the punishment of the one sinning, for example, toward the amendment of the one sinning, or at least toward his restraint and the quiet of others, and toward the preservation of justice and the honor of God, vindication can be licit, if the other due circumstances are observed."[20] The almost only case in which in practice it is licit to take revenge by private authority is moderate punishment of a delinquent caught in the very act. Thus, e.g., if someone catches in his garden a boy secretly taking away apples, he could licitly give him a few slaps as punishment for the theft, provided, however, that this punishment is not immoderate, nor prohibited by civil law. The reason is that revenge of this sort serves both the good of the boy and the licit defense of one's own goods. But I say: it is licit to take revenge upon a delinquent caught in the very act; for if the offense has already been committed for some time, then a private man cannot by his own authority inflict punishment, unless nevertheless the legitimate judge cannot or will not establish due satisfaction.

You ask: Is it licit to seek public punishment of an enemy from zeal for justice from a legitimate judge? St. Alphonsus[21] responds: "In practice I have never dared to absolve any of those who said that they had spared their enemies, but had wished justice to have its place by taking notice of the wicked; for I could never persuade myself that persons of this sort, who sometimes come burdened with sins, love the common good and justice so much (not indeed against other delinquents, but against their own offender), that they are

cleansed from every stain of revenge; hence the Doctors say in these persons: it is very easy for their love toward justice to be a colored pretext for covering their own desire of revenge." This opinion seems to be rather strict, if it is understood in the sense that sacramental absolution may never be given to him who wills reparation of injury through the aid of a legitimate judge. Certainly ordinarily it is a mark of more perfect virtue to forgive an enemy the injury inflicted; but if the desire of disordered revenge and every hatred of enmity is absent, then it does not seem to be sinful to go to a judge to seek reparation for an injury endured, whether real or personal. For if such injuries always remained unpunished, arrogant men would grow still more insolent; but peaceful and just men would be despised as cowards. Nevertheless, it is rather rarely expedient to go to a judge on account of offenses received, because quarrels and endless enmities are accustomed to arise from this. But especially let clerics guard as far as they can, lest they bring laymen, or, what is worse, other clerics, before a civil tribunal on account of reparation for an offense. For almost always from such a mode of acting there arises great scandal among the people. Moreover, in this way the privilege of forum granted to clerics is harmed, which still in our times is in force, unless in some regions it has been abolished on account of concordats or legitimate customs.[22] The almost only exception is if the honor of a cleric is gravely harmed in public newspapers; for then silence observed by a cleric could easily be thought by the common people to be as it were a tacit confession of the crime; and consequently the cleric would be bound, in order to save his own honor and that of his clerical state, to summon the calumniator into court, after first consulting the bishop or another competent superior.

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[20] *S. theol.* 2, 2, q. 108, a. 1.

[21] *Homo Ap.* tract. 4, 27. *De dilectione inimicorum.*

[22] On the penalties imposed against those who violate the privilege of forum, see Cod. iur. can. c. 2341.

575. 2. At least common signs of dilection are to be shown to an enemy. And this indeed not only externally, but also with internal affection. But per se no obligation exists of showing even special signs of dilection to an enemy. Thus all theologians teach.[23]

A) Common signs of dilection are those which we are accustomed to show to all men in similar circumstances, e.g. to return a greeting to one greeting, to answer one asking, not to exclude from common benefits, etc.; but special signs are those which we show only to friends or to those joined to us by some necessity, e.g. to converse familiarly, to visit the sick, etc. As a practical and rather easy rule for discerning common signs from special signs, this can be held: As often as from the denial of some sign or benefit any prudent and equitable man would at once conclude that enmity is present, then such a sign is common and is to be shown even to an enemy. Otherwise sin arises, whose gravity is to be measured: a) from the gravity of the hatred of the one denying this sign of charity; b) from the gravity of the scandal arising. But if common signs of dilection are denied not from hatred and enmity, but either as a just punishment or for the amendment of the delinquent, then it is not sin, but a good work and just vindication.

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[23] *S. theol.* 2, 2, q. 25, a. 9.

576. Resolves. a) A father does not sin, but acts well, if, on account of a grave offense committed, for some time he neither looks at nor speaks to his son, in order to show the gravity of the offense inflicted upon him, or to inflict a just punishment, or to procure the amendment of the guilty one.

b) On the contrary, ordinarily it is sin if two students of the same seminary, or two religious of the same convent, who until now have conversed familiarly, now no longer wish to speak to or greet one another, since

this is usually from hatred or from enmity and causes scandal.

c) Likewise it is sin if someone excludes an enemy from common alms, from common commerce, etc. As to prayer for enemies, St. Thomas notes:[24] "In the same way in which we are bound to love enemies, we are bound to pray for enemies.... It is of necessity that in our common prayers, which we make for others, we not exclude enemies. But that we pray specially for them is of perfection, not of necessity, except in some special case [of grave necessity]." It belongs to a prudent confessor sometimes also to enjoin a special prayer for an enemy, in order to end an existing enmity more quickly.

d) It is specially asked whether it is necessary to greet an enemy coming toward one. I answer: 1. Anticipated greeting is owed to no one except certain persons constituted in greater dignity. Hence if an enemy is of equal condition as I am, I am not bound to greet him first. 2. Greeting is necessary if scandal would arise from its denial, or any prudent man would at once conclude that this denial arises solely from hatred or enmity. Hence in those places where there is a custom of greeting all who come toward one, even an enemy is to be greeted; but not in other places where such a custom does not exist. 3. The return of a greeting is owed to all men from affability, and consequently even to an enemy.

B) Special signs of dilection are not owed per se to an enemy. The reason is that otherwise the enemy would be of better condition and would have greater rights toward us than other common neighbors (to whom we also do not owe special signs of dilection); which indeed is absurd. Hence we are not bound, e.g., to invite an enemy to table, to receive him as a guest, etc. Per accidens even special signs of dilection are to be shown to an enemy, namely, when he is in necessity. But one would more rightly say that then those signs are no longer special, but common, i.e. owed to all neighbors. Thus, e.g., if a sick enemy would incur danger of death unless he were received as a guest by us, then certainly he would have to be received, although to receive someone as a guest in ordinary cases is a special and not a common sign of dilection, as was said above. A Christian man acts rightly toward an enemy if he treats him as another non-enemy neighbor who is of the same state and condition. - It is not indeed necessary, but very meritorious, to show even special signs of dilection to an enemy; for thus burning coals are heaped upon his head.

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[24] *S. theol.* 2, 2, q. 83, a. 8; cf. 3, dist. 30, q. 1, a. 2.

577. 3. Reconciliation with an enemy is not only not to be impeded, but also, according to one's powers, to be facilitated.

As to the order to be followed in making reconciliation, regularly the one who offended another, or, if there are offenses on each side (as commonly happens), he who offended first or more gravely, is bound first to seek reconciliation. For Christ says: "If therefore thou offerest thy gift at the altar, and there shalt remember that thy brother has something against thee [i.e. a just complaint], leave thy gift there before the altar, and go first to be reconciled to thy brother; and then, coming, thou shalt offer thy gift."[25] Therefore the offender is bound either to seek pardon[26] or in another suitable way to make peace with the offended person, insofar, however, as this is morally possible; for the offender is not bound to satisfy the offended person a) if from this he must suffer a much graver inconvenience than the offense inflicted was, b) if he foresees that the other will not consent to the offered reconciliation or satisfaction. But in practice, since not rarely each person is persuaded that he was first or more gravely harmed, the confessor ought to persuade each one to begin the reconciliation.

Even he who certainly was first and more gravely harmed ought to forgive the enemy the offense received, i.e. to put away aversion, indignation, and hatred, but he is not bound freely to remit the injury and perhaps the

damage received; for he can demand suitable satisfaction and restitution for damage. If before the offense there existed a special friendship between the offender and the offended person, it is not required that even this friendship be restored through reconciliation, unless nevertheless some scandal would arise otherwise. For to avoid scandal, or if the enemy is in necessity, not only common signs but also special signs of love are to be shown to him, as was already said.

[25] Matth. 5, 23 sq.

[26] It is not strictly necessary to seek pardon from the offended person, unless this is the only means for obtaining full reconciliation. This indeed is accustomed to happen: a) if the offense was very grave, b) if the offended person is a legitimate superior.

578. Scholion. On the manner of treating sins of hatred in the confessional. A penitent who refuses to put away grave hatred of neighbor is not worthy of absolution. This is clear of itself, for he refuses to fulfill a grave obligation. But even if there is question of light hatred (especially if it is found in religious or pious persons), the confessor should insist strongly and at the same time prudently that such hatred be put away. For almost nothing harms the spiritual life and the influence of grace so gravely as hatred of neighbor, or even the mere defect of love toward neighbor. But let the confessor use great prudence if the penitent confesses hatred against an enemy. Before all things let him bring forward motives of forgiveness ("Forgive us our debts, as we also forgive our debtors"; the examples of Christ in the passion, St. Stephen in martyrdom, St. John Gualbert, etc.); but external reconciliation, or explicit prayer for the enemy, is not always to be strictly required, since the penitent, otherwise disposed to forgive interiorly, not rarely refuses exterior and manifest reconciliation on account of its great difficulties. In these cases it suffices that the confessor require a) interior and sincere forgiveness, b) removal of every scandal.

§ 3. On the order of charity

Preliminary note. The precept of charity extends not only to both internal and external acts, not only to friends and enemies, but also to the due order to be observed a) as to persons to be loved, b) as to goods to be loved.

That charity is necessarily ordered is established from Sacred Scripture, saying: "He ordered charity in me";[27] and is taught by all theologians.[28] St. Augustine[29] beautifully says: "But he lives justly and holily who is an integral estimator of things: and this is he who has ordered dilection, lest he either love what is not to be loved, or love more what is to be loved less, or love equally what is to be loved either less or more, or love less or more what is to be loved equally." - We treat of the order of charity a) as to persons to be loved, b) as to goods to be loved.

A. On the order of charity as to persons to be loved.

[27] Cant. 2, 4.

[28] Cf. St. Thomas, *S. theol.* 2, 2, q. 26, a. 1 et 2; q. 44, a. 8.

[29] *De doctr. christ.* l. 1, c. 27 (Migne, *Patr. lat.* 34, 35).

579. It is clear of itself that God obtains the supreme place in the order of charity; for He is to be loved above all things, and our charity toward God ought to be appretiatively, although not intensively, supreme, as was said above, n. 557. Here the discussion will be only about the order of charity among the diverse men to be loved.

But in establishing this order we must attend to three things: to the person who is loved; to the goods which are loved in him or for him; and, if there is question of effective charity, or of providing help, to the necessity in which the person to be loved is placed.

A threefold necessity is usually distinguished: extreme, grave, light. Extreme necessity is judged to be present when a man is placed in proximate danger of bodily or spiritual death. If such proximate bodily danger is present, it is called extreme bodily necessity, e.g. danger of submersion in water; but if that danger is spiritual, namely, proximate danger of eternal damnation, then it is called extreme spiritual necessity, e.g. an infant about to die but not yet baptized is placed in such necessity. Grave necessity is present when someone cannot avoid grave harm of body or spirit without the help of another. Thus, e.g., an adult sinner near death who cannot confess is placed in grave spiritual necessity. For although he can be saved by perfect contrition alone, nevertheless this is done much more securely by confession. He is placed in grave bodily necessity, e.g., who will lose a great part of his fortune unless he is helped by another. Light or common necessity is judged to exist when someone is indeed placed in difficulties, but can provide for himself: common sinners and beggars are placed in such necessity. These things having been noted beforehand, the following rules are to be attended to:

580. Rule 1. Each person is ordinarily bound, other things being equal, to love himself more than neighbor. I say "other things being equal," i.e. in equal necessity and in an equal order of goods.

It is proved. 1. Christ commanded that neighbor be loved as ourselves. Therefore love of self is the rule, norm, exemplar of love of neighbor. But the exemplar is more powerful than the thing exemplified.[30]

2. Man is naturally more inclined also to spiritual love of himself than to love of neighbor. But this natural inclination, as implanted by the author of nature, cannot be disordered. Hence the common and true adage says: "Well-ordered charity begins from oneself" (namely, from the one loving), or: "Love of another begins from the ego."

From this rule the following practical conclusions are deduced:

a) Man is bound to put his own necessary spiritual good before all other goods. Therefore he can never sin mortally or lightly, or even expose himself to a certain danger of sinning, on account of any good whatsoever of neighbor, whether spiritual or bodily. But if the danger of sinning is not so proximate, then it is licit to undergo such danger for a great advantage of neighbor, e.g. a confessor or physician can fulfill his office, even if temptations arise from it.

b) Someone can licitly, and indeed sometimes ought, to give up his own non-necessary or less necessary spiritual goods for the salvation of neighbor,

e.g. a priest can and sometimes ought to defer meditation in order to hear the confession of a penitent; a woman knowing that she is shamefully desired by a young man can omit Mass on weekdays in order to avoid the sin of the young man; a son or daughter wishing to enter the religious state can remain in the world for the consolation of parents, provided, however, that proximate danger of sinning mortally is not imminent there; it is laudable to make the so-called "heroic act" of charity, i.e. to offer all one's satisfactions for the souls in purgatory.

c) Man is regularly bound to prefer his own bodily life to the life of another. Yet there are exceptions if either the common good or the good of one's own virtue intervenes. Thus a man can and sometimes ought to give his life for the common good; e.g. a soldier ought to give his life for a commander of the army necessary for

the fatherland;[31] those who serve the sick laboring under an infectious disease can expose their life to grave danger on account of the good of virtue, e.g. on account of heroic charity. Concerning this matter the Angelic Doctor writes: "To hand oneself over to death on account of a friend is the most perfect act of virtue; hence the virtuous man desires this act more than his own bodily life. Hence that someone lays down his own bodily life on account of a friend does not happen from this, that someone loves the friend more than himself; but because in himself he loves the good of virtue more than bodily good."[32]

[30] Cf. *S. theol.* 2, 2, q. 26, a. 4, where another reason for this rule is also assigned.

[31] *Quaest. de carit.* a. 9 ad 15.

[32] 3, dist. 29, a. 5 ad 3.

581. Rule 2. Neighbors are not to be loved equally by us, but more or less, according as they are nearer either to God or to us. Thus St. Thomas.[33]

The reason is that in charity there is a twofold principle, namely, God and we ourselves. But that which is nearer to either principle is to be loved more. Hence better and more perfect men, as more similar and nearer to God, are to be loved more than others less perfect.[33a] In this way a holy man is to be loved more than a wicked father. But this is to be understood only of reverence and appretiation, not of the affection of doing good and willing good; for a son can rightly desire that his father, now indeed wicked, later be converted and obtain greater glory than another man who now is holy. Hence as a rule it can be held: those who are nearer to us are to be loved more with the affection of desire and by external work. For, other things being equal, we ought to desire and procure temporal and spiritual goods for them more than for others. But among those joined and near to us, the following order is to be observed, if there is question of common necessity: 1. spouse,[34] 2. children,[35] 3. parents, 4. brothers and sisters, 5. other relatives, 6. friends, benefactors. But in extreme necessity, namely, if there is question of danger of life, parents are to be preferred to all others; therefore even to spouse and children. Thus St. Thomas[36] and, with him, almost all theologians.

[33] *S. theol.* 2, 2, q. 26, a. 6.

[33a] Ib. a. 7.

[34] Ib. a. 11.

[35] Ib. a. 9 ad 1.

[36] Ib.

582. Scholion. On limiting these rules. Concerning the rules given, two things are to be noted: 1. If there is question of the common good, these rules are not to be applied strictly; for before the rest we ought to save those men who are necessary for the common good. 2. The rules given indeed oblige in conscience; yet if there is question of light necessity, some inversion of the order does not exceed the guilt of venial sin. Hence, e.g., if someone, his father and mother existing in the same necessity, would assist his mother before his father, this would not be a great sin. Likewise if someone loved a cousin more than a sister, etc.

B. On the order of charity as to goods to be loved.

Among diverse goods such an order exists: 1. spiritual goods, and those supernatural, e.g. grace, eternal salvation; 2. goods of the body, e.g. life, health, integrity of the members; 3. external goods, e.g. honor, reputation, riches. But the following rules are to be observed:

583. Rule 1. We ought to assist a neighbor constituted in extreme spiritual necessity even with danger to our bodily life, if nevertheless a) there is founded hope of saving the neighbor, and b) the common good does not stand in the way. Thus St. Thomas[37] with the common opinion.

For Christ says: "This is My precept, that you love one another, as I have loved you."[38] But Christ gave His bodily life for the salvation of souls. Hence St. John also expressly says: "We ought to lay down our lives for the brethren."[39] This precept obliges at least in the extreme spiritual necessity of neighbor. But the intrinsic reason of this precept is that the eternal life of neighbor is a far more excellent good than our bodily life. It is added that a man, by positing such an act of perfect, and indeed heroic, charity, most certainly merits eternal life. - The reason for each limitation is easily understood: a) because without founded hope of a happy outcome no one is bound to undertake an arduous work; b) because the common good prevails over private good.

Resolves: a) A Catholic maidservant caring for a gravely sick Jewish infant is bound, even with the greatest inconvenience to herself, to baptize such an infant, unless persecutions of the Church are truly feared from this.

b) A pregnant mother would be bound, even with danger to life, to undergo a Caesarean operation, if otherwise the infant would have to die without baptism. Yet in practice the mother is sometimes indeed to be admonished to permit this operation, but almost never is a strict obligation to be imposed on her. For 1. it is not certainly established that the infant will still be alive after the operation; 2. valid baptism can be administered with moral certitude to an infant existing in the mother's womb by means of some instrument.

c) A parish priest ought, with danger to life, to administer the necessary sacraments wherever an infectious disease rages. For although a man can be saved through an act of contrition, nevertheless not all the sick are capable of eliciting an act of perfect contrition, and the necessity is truly extreme for a dying man who has lived in a habit of sinning and is so untaught that he does not know how to elicit an act of contrition. A similar obligation falls upon another priest if the parish priest and his assistant are lacking. On the contrary, extreme necessity does not seem to be present if someone throws himself into a river with the intention of suicide; for he can elicit an act of contrition and by his own fault has brought himself into that danger. Therefore in that case there does not seem to be present a strict obligation of saving such a suicide with imminent danger to one's own life.

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[37] *S. theol.* 2, 2, q. 26, a. 5.

[38] Jo. 15, 12.

[39] 1 Jo. 3, 16.

584. Rule 2. Outside the case of the extreme spiritual necessity of neighbor, the obligation of assisting him does not press either with imminent danger of life or even with another very great harm to oneself. Exceptions, however, are the cases in which the common good or a special office requires help even with very great bodily harm.

The reason is that in these cases there is question either of the extreme bodily necessity of neighbor, namely, of imminent danger of bodily death, or of other grave necessities but not extreme ones. In the first case no one is bound to assist neighbor with grave harm, because he is not even bound to preserve his own bodily life with great harm, as was said above. Therefore, a fortiori, he is not bound in these circumstances to preserve the bodily life of neighbor. Thus, e.g., a rich man is not bound to give a great sum of money to save a sick

neighbor from certain death. But if there is question of other grave necessities of neighbor, then he rather than I is bound to undergo the same necessity. Only a) the necessity of the community is excepted, since the common good prevails over private good, and b) a special office undertaken. Hence pastors of souls are bound, even with danger to life, to administer the sacraments to their subjects; a physician appointed for some hospital is bound to care for the sick laboring under a contagious disease. The reason is that in these cases neighbor is to be assisted not only from charity, but also from justice.

585. Rule 3. A neighbor constituted in grave necessity, whether spiritual or bodily, is to be assisted with only moderate inconvenience, unless nevertheless other titles, such as justice, piety, or an office undertaken, impose a wider obligation.

The reason is that charity toward oneself precedes charity toward neighbor. Wherefore in the grave necessity of neighbor no one is bound to assist him with his own grave inconvenience, but only with moderate inconvenience.

Resolves: a) You are bound, even with some but not with great inconvenience, to lend money to a man constituted in such necessity that without your money he is compelled to make a surrender of all his goods (commonly, to make *Bankrott*, *faillite*). If, however, there is no or little hope of recovering the money to be lent, you are not now bound, because the probable loss of a rather great quantity of money is a notable inconvenience.

b) A rich man is not bound to give a great sum of money for this, that a sick poor man may be able by extraordinary means, e.g. by taking baths in a distant place, to recover health. The reason is the same.

Concerning a wider obligation from the added titles of justice, piety, and office, enough has already been said above.

586. Rule 4. Neighbor living in common or light necessity is to be assisted with only light inconvenience.

The reason is that charity indeed demands that we assist neighbor living in some necessity; but if this necessity is only light, there also exists only a light obligation of assisting, because the neighbor can help himself. In a light or common necessity of this kind there live, e.g., ordinary beggars. Wherefore we are bound to give them alms only with light inconvenience, as will be explained more fully below, n. 594.

By combining all the rules stated, the following order results: in the order of charity a man is bound after God to love 1. himself according to spiritual goods; 2. neighbor as to the same goods; 3. himself as to bodily goods; 4. neighbor as to the same goods; 5. finally himself and then neighbor as to external goods.[40]

[40] Cf. S. Alph., *Theol. mor.* l. 2, n. 25.

Article II. On the works of charity toward neighbor

Since we ought to love neighbor not only with internal affection, but also in effect and external work, and since there is a special difficulty in rightly exercising charity in external work, hence we must treat specially of the external works of charity, or of the works of mercy.

587. Mercy[41] can be taken in three ways, namely, a) according as it is a passion of the appetite, and then it is nothing other than compassion or sadness concerning another's misery, namely, that of another man or even of some brute animal; or b) according as it is a moral and special virtue, in which sense it can be defined: "the virtue inclining the will to due compassion for, and alleviation of, another's misery";[42] therefore the material

object of this mercy is the misery of neighbor (poverty, sin, infirmity, etc.) to be alleviated according to one's powers; c) according as it is a charitable will of alleviating another's misery, and then it is not a virtue distinct from charity, and mercy thus taken is found most perfectly in God,[43] who is compassionate and merciful.

Mercy according as it is a special virtue moderates compassion concerning another's misery, lest it be too great and lest it be too little. But although this mercy is a moral virtue insofar as it moderates compassion, nevertheless it is intimately joined with the theological virtue of charity, from which it is accustomed to arise as an effect. For on account of God the merciful man is accustomed to have compassion on his suffering neighbor. Accordingly St. Thomas treats of mercy in the treatise on charity.

Christian doctrine greatly commends[44] the virtue and works of charitable mercy, and wherever the Christian religion flourishes, magnificent works of mercy also are produced.

Seven corporal works of mercy and the same number of spiritual works are commonly enumerated; namely, the corporal works of mercy are: to feed the hungry, to give drink to the thirsty, to receive guests, to clothe the naked, to visit the sick, to redeem captives, to bury the dead. All these indeed are commonly expressed by this mnemonic verse:

I visit, I give drink, I feed, I redeem, I cover, I gather, I bury.

The spiritual works of mercy are: to correct the sinner, to teach the ignorant, to counsel the doubtful, to console the afflicted, to bear the burdensome and difficult, to forgive the offender, and to pray for all. These are contained in this verse:

Counsel, reprove, teach, console, forgive, bear, pray.

Errors concerning mercy. Although the virtue of mercy is inculcated by the natural law itself, nevertheless by many pagans, ancient and modern, it is denied or contemned. Thus Seneca himself says: "Mercy is a vice of the soul," "most familiar to every worst man." "The good will avoid mercy." "The wise man will not pity."[45] In our times F. Nietzsche, asserting a twofold morality, one of masters, the other of servants, excluded mercy from the morality of masters.[46] On the contrary Schopenhauer and Ad. Smith exaggerated mercy too much, proclaiming it the ultimate norm of morality.[47]

Because of circumstances much changed in our times and in our regions, certain enumerated works of mercy now can be exercised only very rarely, e.g. to redeem captives, to bury the dead. Hence here we treat only of two works of mercy, namely, almsgiving and fraternal correction, to which all the others can be reduced.

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[41] German: *Mitleid.*

[42] Cf. *S. theol.* 2, 2, q. 30, a. 3.

[43] Cf. ib. 1, q. 21, a. 3.

[44] See the beautiful treatise "On the commendation of mercy," written by Guil. Peraldus, O.Pr. (*Summ. virt. et vitior.* I, pars 14, c. 2 [ed. Venet. 1571, p. 535 sqq.]).

[45] Cf. Weiss, *Apologie* III 807.

[46] Cf. *Jenseits von Gut und Bose* c. 9.

[47] Cf. Cathrein, *Moralphilosophie* I 259.

§ 1. On almsgiving

588. Notion. Almsgiving is a Greek word (*eleemosyne*) and signifies mercy; commonly, however, it is usually taken for an act of mercy, and can be defined: "a work by which something is given to one in need from compassion on account of God." Thus the Angelic Doctor,[48] who aptly observes that almsgiving is not taken (as often happens) for the thing given, but for the very action of giving, which is done on account of God.

Almsgiving is an act of charity, yet through the mediation of mercy. The reason is that an exterior act pertains to that virtue to which the proximate motive of acting pertains. But the motive for giving alms is the misery of neighbor to be alleviated; and this indeed pertains to mercy, as has been said. Therefore to give alms is formally an act of mercy. But because mercy is an effect of charity, as was said above, consequently to give alms is an act of charity through the mediation of mercy;[49] or still more clearly: it is an act elicited by mercy and commanded by charity. Yet almsgiving can also be given from another honorable motive, e.g. for making satisfaction for sins, for divine worship, etc. Then almsgiving is commanded by the virtue of penance, or of religion, etc.[49a] It is evident of itself that almsgiving is not an act of virtue if it is done from an evil sole or principal motive, e.g. to seduce a girl. Almsgiving can be taken for an act of both corporal and spiritual mercy. Now we speak only of corporal almsgiving.

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[48] *S. theol.* 2, 2, q. 32, a. 1. The same Angelic Doctor (*In IV* dist. 15, q. 2, a. 1, sol. 1) explains this definition thus: "In the aforesaid definition all the things are touched which concur for the perfection of almsgiving, according as it is meritorious. For the very misery of another, which is the principle of mercy, is touched in this, that he says 'to one in need'; but mercy, which arises in us from another's misery, is touched in this, that he says 'from compassion'; but the effect of mercy in relieving another's misery as one's own is touched in this, that it is said 'a work in which something is given': for this is essential to almsgiving itself; but the intention directed to God, which gives it the character of meriting, is touched in this, that it is said 'on account of God.'" For other definitions see the learned work (§ 12) of Fr. Schaub, *Die kath. Caritas und ihre Gegner*, M.-Gladbach 1909.

[49] *S. theol.* l. c.

[49a] Cf. Billuart, *De carit.* diss. 5, a. 1.

589. Principle 1. Both from natural law and from positive divine law there exists a true precept of distributing alms to the poor.

1. The natural law itself commands that alms be distributed sometimes. For a) effective charity toward neighbor is commanded by natural law. But sometimes this effective charity would clearly be violated unless alms were given to a poor man in need. Therefore the natural law itself commands that alms be given.

b) The necessity of almsgiving follows from the condition of private dominion. For although private dominion is licit, indeed necessary for the good of the whole of human society, nevertheless on the other hand any man, by the very fact that life is given to him by the Creator, also has a right to the necessary sustenance of life, which indeed he ought to procure for himself by his labors; but if this is impossible, he has the right that he be sustained from the goods of others, and accordingly in extreme necessity he can licitly take for himself those things which are necessary, lest he lose life. Hence a rich man is bound from his goods to assist a neighbor existing in necessity; and this is to give alms. To the point St. Thomas writes:[50] "Temporal goods, which are conferred upon man by God, are indeed his as to ownership, but as to use they ought to be not only his, but also those of others, who can be sustained from them from that which is superfluous to him. Hence Basil says: 'If you confess that these things [namely, temporal goods] have come to you from God, is God unjust, distributing things unequally to us? Why do you abound, but that man begs, unless that you may obtain the

merits of good stewardship, but he may be adorned with the prizes of patience? It is the bread of the hungry which you hold; the tunic of the naked which you preserve in your closet; the shoe of the unshod which grows moldy in your possession; the silver of the needy which you possess buried. Wherefore you injure as many as you are able to give to.'" But if St. Basil and the other Holy Fathers seem to say that it is against justice if someone refuses to give alms, this is not to be understood as though the rich, transgressing the precept of giving alms, violated commutative justice and accordingly were bound to restitution; but the Holy Fathers intend only to say that such greedy persons sin gravely against the just divine precepts concerning the administration of goods and violate general justice, which obliges one to procure the common good. Therefore the obligation of giving alms is properly an obligation of charity and of general justice, but not of commutative justice.[51] Hence the poor man to whom alms are unduly denied by a rich man cannot in the least secretly compensate himself. If, however, he is in extreme necessity, he can take for himself the things which are necessary, as has been said, nor can the rich man licitly impede this taking.

c) The necessity of giving alms also follows from peace to be preserved in human society. For if the rich refused suitable alms, the poor would make rebellion and disturb the peace of society.

2. Positive divine law inculcates the precept of giving alms both in the Old and in the New Testament. "I (God) command you that you open your hand to your needy and poor brother, who dwells with you in the land."[52] "Son, do not defraud the poor man of alms and do not turn away your eyes from the poor man."[53] "Depart from Me, accursed ones, into eternal fire; for I was hungry, and you did not give Me to eat; I was thirsty, and you did not give Me drink."[54]

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[50] *S. theol.* l. c. a. 5 ad 2.

[51] Leo XIII indeed says (*Encycl.* "Rerum novarum," May 15, 1891), speaking of the obligation of giving alms: "These offices are not of justice, except in extreme things, but of Christian charity." But the Supreme Pontiff seems to take the word justice not for commutative justice, from the violation of which arises the obligation of restitution, but for general or legal justice. In this sense already the Angelic Doctor (*S. theol.* 2, 2, q. 118, a. 4 ad 2) explained the words of St. Basil, saying: "Basil is speaking of that case in which someone is bound from a legal debt to distribute his goods to the poor, either on account of the danger of necessity or also on account of the superfluity of the things possessed." But St. Thomas himself always calls almsgiving an act of charity and never an act of justice.

[52] Deut. 15, 11.

[53] Eccli. 4, 1; cf. also Tob. 4, 7; Is. 58, 7.

[54] Matth. 25, 41; cf. also 1 Jo. 3, 17; 1 Tim. 6, 17 sqq.

590. Principle 2. In a particular case the obligation of giving alms is to be measured from a twofold head: a) from the necessity of neighbor; b) from the proper ability of the giver.

Thus all theologians after St. Thomas, who says: "On the part of the giver, it must be considered that that which is to be expended in alms be superfluous to him.... But on the part of the recipient, it is required that he have necessity; otherwise there would not be a reason why alms should be given to him."[55] But the intrinsic reason of this principle is the order of charity to be observed. For well-ordered love begins from oneself. Therefore I am not bound to help a neighbor living in bodily necessity with great inconvenience to myself. - Those things are to be recalled which were said above, n. 579, concerning threefold necessity (extreme, grave, light). Moreover it is to be noted that goods of a threefold kind are distinguished:

1. Goods necessary for life, by which a man needs to be able to sustain his own life and that of his own, so that if they were taken away he would fall into grave or extreme necessity. Goods of this kind are

revenues necessary for supporting himself and his own family entrusted to him.

2. Goods necessary for status, without which a man can indeed pass his life, but would have to descend from his legitimately obtained status. To goods of this kind belong, e.g., those things which a noble or rich man needs in order to lead life as other sensible men of the same condition and status living in the same region do. To goods necessary for status also belong certain moderate savings, by which provision is made for chance cases of infirmity, misfortune, etc., and indeed even a moderate augmentation of status. Hence parents are admonished to treasure up for their children.[56]

3. Goods simply superfluous are those which are necessary neither for the sustenance of life nor for the decency of status. Thus, e.g., if the revenues of some man much exceed ordinary expenses, there are goods simply superfluous. Yet, as the Angelic Doctor[57] rightly notes, the decency of status does not consist in something indivisible: because by many things added a man does not exceed the condition of his status; and by many things also subtracted the condition of his status is decently preserved. Hence in practice one must stand by the judgment of a prudent and sincere man. With these things set down, the following practical rules are worthy of being known:

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[55] *S. theol.* 2, 2, q. 32, a. 5.

[56] Cf. 2 Cor. 12, 14.

[57] 4, dist. 15, q. 2, a. 4, sol. 1.

591. Rule 1. No one by reason of charity alone is bound to assist neighbor from goods necessary for life.

The reason is that each one is bound to place his own life and the life of his own before the life of another, unrelated, private person. Hence St. Thomas[58] says: "Necessary is said in two ways: in one way, that without which something cannot exist; and from such necessary goods alms ought not at all to be given: for example, if someone constituted in the article of necessity had only that from which he could sustain himself, and his children or others pertaining to him; for to give alms from this necessary good is to subtract life from oneself and one's own."[59] - I said: by reason of charity; for by reason of the necessary common good a man is bound not only to hand over those things which are necessary to him for sustaining life, but life itself. Hence, e.g., a soldier is bound to yield to the king the food which the king needs for sustaining life, even if the soldier himself should perish from hunger; at least thus, if otherwise the common good of the state would suffer great harm.

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[58] *S. theol.* 2, 2, q. 32, a. 6.

[59] *S. theol.* 2, 2, q. 32, a. 6.

592. Rule 2. A neighbor living in extreme necessity is to be assisted 1. from goods simply superfluous; 2. also from goods necessary for the decency of status, provided that this can be done without great inconvenience.

The first part of this rule is evident of itself and is admitted by all. But as to the other part, authors indeed disagree as to the mode of speaking, but in the thing itself they agree.[60] The order of charity requires that we indeed love the life of neighbor more than our temporal goods, which are not absolutely necessary for living life; but, just as we are not bound to preserve our life by extraordinary means or with great inconvenience, so a fortiori there exists no strict obligation of giving a great sum of money for saving the life of neighbor. Hence

a rich man is not bound to give, e.g., 1000 francs so that a sick poor man, shortly to die in his homeland, can go into the more healthful air of a distant region.[61]

[60] Thus, e.g., Billuart (*De carit.* diss. 5, a. 2, dico 2) asserts: "From things superfluous to nature, even if necessary to status, we are bound under mortal sin to make almsgiving to one suffering extreme necessity." But Noldin (*De praec.* n. 91) says: "Although alms ought to be given to a neighbor in extreme necessity from goods necessary only for the decency of status, nevertheless an obligation of giving also from goods necessary for preserving status itself cannot be demonstrated, so that someone would be bound to fall from his own status. For neither is someone bound to preserve his own life with the loss of his status, or by extraordinary means." Lehmkuhl, *Theol. mor.* I 762; Gopfert, *Moraltheol.* II 28, and others, have similar things.

[61] Cf. Billuart l. c. in fine.

593. Rule 3. A neighbor constituted in grave necessity is to be assisted from goods superfluous to status. Thus the opinion today is common.[62]

It is proved from Sacred Scripture: "He who has the substance of this world and sees his brother have necessity, and closes his heart against him, how does the charity of God remain in him?"[63] It is altogether improbable that the holy Apostle speaks only of extreme necessity, which in practice is very rare. This opinion is confirmed from the proposition (12) condemned by Innocent XI: "Scarcely among seculars will you find, even among kings, what is superfluous to status. And thus scarcely anyone is bound to almsgiving, when he is bound only from what is superfluous to status."[64] - But the intrinsic reason is that it seems to be a grave disorder if a man loves his own superfluous goods more than the alleviation of neighbor living in truly grave necessity. - Certain theologians wish that neighbor in grave necessity is to be assisted even from goods in some way necessary to status, or with moderate detriment to one's status. In reality there is scarcely any disagreement between the two opinions. For the decency of status admits some latitude, so that "by many things added a man does not exceed the condition of his status; by many things also subtracted the condition of his status is decently preserved."[65] Accordingly those authors who say that almsgiving is to be given in the grave necessity of neighbor even from things necessary for status are to be understood of goods in some way, but not wholly, necessary for the decency of status. Today no one teaches that a neighbor constituted in grave necessity is to be assisted even with the loss of one's own status. - Certain older authors, such as St. Antoninus,[66] Ioannes Medina,[67] not rightly understanding St. Thomas in this matter, thought that to give alms to a neighbor existing in grave necessity was not of precept, but only of counsel. This opinion today is obsolete.[68]

[62] Cf. S. Alph., *Theol. mor.* l. 2, n. 31.

[63] 1 Jo. 3, 17.

[64] Denz. n. 1103.

[65] S. Thom., 4, dist. 15, q. 2, a. 4.

[66] *S. theol.* pars 2, tit. 1, q. 24 (ed. Veronae II 334).

[67] Tract. 5 *de eleem.* q. 3, dub. 2, concl. 2.

[68] Cajetan, his most faithful Commentator, excellently explains the mind of St. Thomas in the little work "On the precept of almsgiving according to the mind of St. Thomas."

594. Rule 4. In the common necessity of neighbors there is indeed a) a grave obligation of sometimes giving alms from goods superfluous to status; but b) there is not an obligation of giving alms to this or that particular poor man.

The second part is admitted by all in our time, but concerning the first part it is astonishing how sharply authors have disputed and dispute, although perhaps their disagreements are verbal rather than real. St. Alphonsus[69] calls the proposed opinion the more common one, to which he himself adheres. St. Thomas (concerning whose mind, however, there is dispute) says simply: "Thus therefore to give alms from what is superfluous is in precept."[70] He does not indeed expressly say that this precept is grave, but since in the extreme necessity of neighbor the precept of almsgiving obliges under grave sin, equally under grave sin the precept of giving alms from superfluous goods obliges, as is clear from *IV* dist. 15, q. 2, a. 1, sol. 4. In Sacred Scripture it is said: "What remains over, give as alms: and behold, all things are clean to you."[71] These words indeed are usually understood: alms are to be given from superfluous things; and if this has been done, you are clean from the vice of avarice. - But the intrinsic reason is that the rich are not absolute masters of temporal goods, but only as it were stewards or administrators, who ought to dispose of their goods according to the will of God. Moreover God has ordained that the rich ought to distribute to the poor from their superfluous goods. Hence He also condemns to hell those who have defrauded the poor of alms. "Depart from Me, accursed ones, into eternal fire, which has been prepared for the devil and his angels. For I was hungry, and you did not give Me to eat; I was thirsty, and you did not give Me drink.... Amen I say to you: as long as you did not do it to one of these least ones, neither did you do it to Me."[72] - On the contrary He promises a great reward, namely eternal life,[73] to those who give alms to the poor, and ample blessings on this earth: "Blessed is he who understands concerning the needy and the poor: in the evil day the Lord will deliver him. May the Lord preserve him, and give him life, and make him blessed on the earth: and may He not hand him over to the soul of his enemies. May the Lord bring him help upon the bed of his pain: his whole bed You have turned in his infirmity."[74] - All these things seem sufficiently openly to show a grave precept of giving alms from superfluous goods even in the common necessity of the poor, since the grave and extreme necessity of neighbor is very rare, especially because of defect of food and drink.[75]

Nevertheless in practice the confessor, although he ought earnestly to exhort the rich to give alms to the poor, ought not to deny absolution to that rich man who refuses to distribute alms; for a) the opinion denying a grave obligation of giving alms to the poor living in common necessity is at least extrinsically probable, since very many and grave authors hold it;[76] b) in present times the rich are compelled by civil laws to assist the poor in various public institutes erected for the sustenance of the poor; and thus all give some alms.

Rule 5. Beneficed clerics are bound (from ecclesiastical law) to distribute to the poor or for pious uses all superfluous things which remain after their suitable sustenance from benefice revenues.

Concerning this obligation, which, with all agreeing, is grave, the discussion will return below, II 37, in the treatise on justice, where the goods of clerics will be treated.

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[69] *Theol. mor.* l. 2, n. 32.

[70] *S. theol.* 2, 2, q. 32, a. 5. Cf. Cajetan in h. loc.

[71] Luc. 11, 41.

[72] Matth. 25, 41-45.

[73] Cf. Matth. 25, 34.

[74] Ps. 40, 1-3.

[75] Thus also Leo XIII, Const. "Rerum novarum," May 15, 1891: "It is a duty, from that which remains over, to give graciously to the needy."

[76] Cf. Ballerini in notes to Gury (*Comp. Theol. mor.* I n. 228) for the benign opinion, and Concina (*Theol. christ. in Decal.* l. 1, diss. 6, c. 13) for the contrary opinion.

595. Quantity of almsgiving to be given.

The grave obligation of giving alms having been admitted, the question immediately arises: how great a sum of goods is to be distributed to the poor? The answer is:

1. In the extreme necessity of neighbor so much must be given as suffices to rescue him from this necessity, unless nevertheless there are others who are willing to assist him. But it has already been said above that no one is bound to distribute a great sum of money in order to free a poor man from the danger of death.
2. In common necessity several theologians with St. Alphonsus teach that the rich are bound to give a fiftieth part of the annual revenues which are beyond status, or 2%.[77] If, however, the revenues were very enormous, a smaller proportion would be required. Nothing certain can be answered in this question; hence the faithful are indeed to be admonished to give large alms, but a definite sum to be distributed under grave precept cannot be imposed on them.

[77] *Homo Ap.* tr. 4, n. 19.

596. Who can licitly give alms? The answer is: all those who have their own goods and free administration of them. Yet in extreme necessity, just as each one can licitly take for himself the goods of another in order to remove this necessity, so then another also can assist from goods of which otherwise he does not have free dominion. Sometimes (but with great discretion) the faculty of giving moderate alms from another's goods can licitly be presumed. - There is a special difficulty concerning the power of wives, children subject to the family, and servants to bestow alms.

A wife can give alms not only from her own paraphernal or free goods, but also from other matrimonial goods whose administration is in the power of the husband. In this latter case, however, the consent of the husband is required, either expressed or presumed.[78] If the husband were too greedy and did not wish to give due alms, nevertheless the wife could make moderate alms according to the condition of her status, because then the husband would be unreasonably unwilling. Especially her poor parents the wife can and ought to help by moderate gifts taken from the common goods of the marriage.[79]

Children subject to the family can indeed give alms from their own free goods, if they have any, but not from the goods of their parents, unless the express or tacit permission of the parents has been had.

Male and female servants can give no alms at all from the goods of their masters without their express permission; nor can such permission scarcely ever be rightly presumed, because masters are not accustomed to grant a general permission of this kind for very obvious reasons. Almost the only exception is if servants give to the poor those foods which remain over from the table of the masters and which otherwise would be thrown outside. For in this case the master suffers no harm at all, nor is he reasonably unwilling that those foods be given to the poor. Servants illicitly giving alms in a notable quantity from the goods of their masters are bound to restitution.

[78] *S. theol.* 2, 2, q. 32, a. 8 ad 2.

[79] Cf. below II, 16.

597. Mode of giving alms. In order that the bestowal of alms be truly morally good, it is required that it be done not only to due persons according to due quantity, but also in a due manner. This manner indeed includes 1. the circumstances to be observed in every almsgiving; 2. the question whether alms are to be given rather through private persons than through public authority, whether ecclesiastical or civil.

1. The circumstances of almsgiving to be observed are expressed in these little verses:

Let it be just and prudent, swift, secret, and willing, Proceeding in order, helping all.

a) Almsgiving ought to be just, i.e. it cannot be given except by him who has true free dominion of the thing.

b) Alms should be given prudently, i.e. to those only who are truly needy; but not to those who from laziness do not wish to work. For "if anyone does not wish to work, neither let him eat."[80] Almsgiving imprudently given fosters vices.

c) Almsgiving should be swift according to that saying: "He gives twice who gives quickly; he gives nothing who delays gifts."

d) Almsgiving should be secret according to that saying: "When therefore you give alms, do not sound a trumpet before you, as the hypocrites do in the synagogues and in the streets, that they may be honored by men. Amen, I say to you, they have received their reward. But when you give alms, let not your left hand know what your right hand does."[81]

e) Almsgiving is to be given willingly according to the words of St. Paul: "Not from sadness or from necessity: for God loves a cheerful giver."[82]

f) Almsgiving is to be given in right order, i.e. the order of charity (explained above) is to be observed.

g) Almsgiving should be a help to all, i.e. no one is to be excluded from our alms. Therefore we ought also to assist strangers, sinners, and unbelievers living in necessity. But in equal necessity the faithful, the pious, fellow citizens, and generally those more joined to us are to be helped before the rest. Indeed someone who is truly needy can make alms to himself if he is appointed distributor of alms.[83]

2. Are alms to be given rather through private persons than through public authority (whether ecclesiastical or civil)?

The solution of this question depends chiefly on the end of almsgiving. This end indeed is in no way restricted to the material relief of the need under which the poor man labors, but also comprehends his spiritual good; equally it comprehends the social good and the spiritual good of the one bestowing alms. Since the condition of the times is such that neither private nor even ecclesiastical care of the poor is sufficiently able to alleviate all needs, the civil government also ought to help the poor. Yet this care of the poor instituted by civil government is exposed to grave dangers. For then it often happens a) that fictitious poor persons receive large alms, but the true and especially the bashful poor acquire nothing; b) that indeed material want is alleviated, but spiritual misery, i.e. the immoral life from which want has arisen, is not healed; c) that there arises a great schism between rich and poor; for the rich complain concerning the forced grave tax to be paid for the poor, while the poor demand goods too abundantly possessed by the rich. Since these things are so, effort must be made that the care of the poor be entrusted to ecclesiastical or pious persons, who strive not only to alleviate their material poverty, but also bring them to a morally good life. Already from its beginnings the Church always had solicitous care for the poor. Thus the Apostles themselves instituted seven deacons for the care of

widows and the poor. Later deaconesses were instituted, and today innumerable congregations approved by the Church exercise works of every kind of mercy.

[80] 2 Thess. 3, 10.

[81] Matth. 6, 2 sqq.

[82] 2 Cor. 9, 7.

[83] *S. theol.* 2, 2, q. 32, a. 9 ad 3.

598. Scholion. On fictitious poor persons. Fictitious poor persons, i.e. those who, not pressed by true want, feign great misery and thereby hunt for alms, sin in three ways: namely, a) against truth, because their manner of acting is a pure and foul lie; b) against charity, because they subtract from other true poor persons the alms otherwise to be received; c) against commutative justice, because by deceit and fraud they deceive merciful men, who are reasonably and gravely unwilling about such deception. Hence false poor persons of this kind are bound to restore the alms fraudulently obtained. This restitution in itself indeed would have to be made to those from whom alms were obtained. Since, however, this is often impossible, then these usurped alms are to be given to true poor persons or are to be distributed to pious causes.[84] In practice it will often be impossible to carry out restitution of this kind, because such false poor persons are accustomed quickly to squander the alms obtained.

[84] Cf. S. Alph., *Theol. mor.* l. 3, n. 622. On this matter the Roman Catechism says: "Those seem to commit theft who by fictitious and simulated words or by deceitful beggary extort money; whose sin is the graver because they heap theft together with a lie" (pars 3, c. 8, q. 7). But the poor who feign themselves poorer than they truly are, so that they may receive alms more easily or more abundantly, do not seem to be obliged to restitution of the alms thus obtained, because commonly all the poor are accustomed to exaggerate their poverty, and those giving also know this.

§ 2. On fraternal correction

599. Notion. Fraternal correction (or correction),[85] which is as it were spiritual almsgiving, can be defined: a warning made privately, proceeding from fraternal charity, by which someone tries to turn neighbor away from sin or from the danger of sin. Or, as St. Thomas says: "Fraternal correction is a warning of a brother concerning the amendment of faults, proceeding from fraternal charity."[86] This warning indeed can be made not only by words, but also in other ways, e.g. by a sad countenance, by gestures.

Distinctions. A threefold correction is distinguished, namely, 1. fraternal, concerning which something has just been said; 2. paternal, by which a superior, not indeed as judge, but as father (the judicial order having been passed over), corrects a subject, imposing either no medicinal penalty or a light one; 3. judicial or coercive, by which a superior as judge punishes a delinquent subject in order to protect the common good and the injured order of justice. Coercive correction (and sometimes paternal correction) is an act of justice, but fraternal correction is an act of charity.[87] Paternal and judicial correction are treated in the Code of Canon Law, c. 2308 sqq.

[85] Although *correptio* and *correctio* differ - for *correptio* is a rebuke for the amendment of a brother; *correctio* is the amendment itself - nevertheless by usage received among theologians, *correptio* and *correctio* are taken for one and the same thing.

[86] The Angelic Doctor notes beautifully in this place (4, dist. 19, q. 2, a. 1): "Fraternal correction is made known through three things, ... namely, the act itself, when he says a warning of a brother; the end, when he says concerning the amendment of faults; the principle, when he says proceeding from fraternal charity." Then he gives the reason why in the definition the amendment of faults rather than of sins is said (ad 5): "No one is moved by hatred or fear of what is shameful except one in whom there is in some

way the will of the beautiful and good; and therefore, since correction proceeds by this way, it properly belongs to him to be corrected who has a purpose of good, from which nevertheless he is turned away through ignorance or through some negligence; and therefore it more properly regards omission, which can be considered in the transgression itself, than the perversity of the transgression: and on account of this, the amendment of faults is more fittingly said than of sins." - Therefore the proper matter of fraternal correction is faults committed from ignorance or negligence; on the contrary, sins perpetrated from certain malice are to be restrained by judicial correction. - Nothing prevents him who prudently applies fraternal correction from also intending, besides the good of neighbor, the honor of God (which is an act of charity) or the common good of society (which is an act of general justice).

[87] Cf. S. Thom., *S. theol.* 2, 2, q. 33, a. 1.

600. 1. The obligation of fraternal correction arises from both natural and positive divine law.

a) This obligation arises from positive divine law, for the precept of correction is had both in the Old and in the New Testament. Thus it is said: "Correct a friend, lest perhaps he did not understand, and say: I did not do it; or if he did it, lest he add to do it again. Correct neighbor, lest perhaps he did not say it, and if he said it, lest perhaps he repeat it."[88] But Christ prescribed not only correction itself, but also its order, saying: "But if your brother shall have sinned against you, go and correct him between you and him alone. If he hears you, you shall have gained your brother. But if he does not hear you, take with you still one or two, that in the mouth of two or three witnesses every word may stand. But if he does not hear them, tell the Church. But if he does not hear the Church, let him be to you as a heathen and a publican."[89]

b) The obligation of fraternal correction also follows from natural law, i.e. from the precept of loving neighbor with effective love. For if from charity we are bound to assist neighbor in his bodily necessities through material almsgiving, a fortiori we are bound to bestow on him the spiritual almsgiving of fraternal correction, since spiritual necessity is harder than bodily poverty. St. Augustine wisely wrote on this matter:[90] "For who is easily found who wishes to be rebuked? and where is that wise man of whom it was said: correct a wise man and he will love you?[91] Yet surely on that account we ought not fail to rebuke and correct a brother, lest secure he tend toward death? For it is accustomed to happen and frequently occurs that for the moment he is saddened when he is rebuked, and resists and contends, and nevertheless afterward he considers with himself in silence, where no one is except God and he himself, and he does not fear to displease men because he is corrected, but fears to displease God because he is not corrected, and thereafter does not do that in which he has been justly rebuked, and as much as he hates his sin, so much he loves the brother whom he has perceived as the enemy of his sin."

The obligation of fraternal correction is of itself grave. For if the precept of material almsgiving of itself obliges under grave sin, a fortiori fraternal correction obliges, inasmuch as it is spiritual almsgiving.[92]

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[88] Eccli. 19, 13 sq.

[89] Matth. 18, 15-17.

[90] Ep. 210 (Migne, *Patr. lat.* 33, 957 sq.).

[91] Prov. 9, 8.

[92] Cf. S. Thom., *S. theol.* 2, 2, q. 33, a. 2; S. Alph., *Theol. mor.* l. 2, n. 37.

601. 2. The conditions under which the precept of fraternal correction obliges are two, namely, I am not bound under grave sin to correct neighbor unless:

a) **his grave spiritual necessity is established, from which he is foreseen to be unable to be freed otherwise than by my correction;**

b) **the correction can be made by me without great inconvenience to myself.**

As to the first, it is required:

alpha) that it be certainly established concerning a grave sin committed by neighbor or concerning an imminent danger[93] of gravely sinning, e.g. concerning adultery committed or to be committed. For if neighbor committed only a light sin, or if he lives in only remote danger of gravely sinning, he is not in grave spiritual necessity, and accordingly I am not bound under grave sin to correct him. For since every correction is burdensome to the one correcting and hateful to the one corrected, and besides venial sins are most frequent, if a grave obligation of correcting them were urgent, the burden would be unbearable both for those correcting and for those to be corrected, so that neither peace nor tranquillity among men could be preserved.[94] Thus at least speaking of itself; for per accidens venial sins can be necessary matter of fraternal correction, e.g. if from them there would follow grave scandal, or detriment of discipline in some religious community, or proximate danger of gravely sinning, e.g. for children.

beta) That the neighbor cannot be freed from his spiritual necessity otherwise than through my correction. Wherefore if another is prepared to correct, equally able and willing as I am, e.g. the superior of the delinquent, I am not bound. Likewise if the delinquent is foreseen soon to amend himself; likewise if my correction is foreseen to be useless, indeed rather to be harmful than helpful.[95] Hence it is often not expedient to correct an unknown person, since his amendment seems very doubtful. Yet a correction even doubtfully efficacious is to be made if otherwise scandal arises for others, or if neighbor is living in danger of death. Thus, e.g., a Catholic near death ought to be admonished to receive the sacraments, although perhaps he is going to refuse to fulfill this obligation.

As to the second, the matter is clear from the things said above concerning the order of charity. Every correction indeed brings some inconvenience to the one correcting, since it is something burdensome and often tedious and harmful. Hence not just any inconvenience excuses from fraternal correction, but only that which seems deservedly graver than the necessity in which the erring neighbor lives. Wherefore servants and subjects are rarely bound under grave sin to the correction of superiors; nor are the scrupulous bound, since otherwise they would always live in straits of soul, whether in a particular case a true obligation is present for them or not. But superiors are more strictly bound to the correction of their subjects; for not only from charity, but also from their office, they ought to provide for the spiritual good of subjects. Under the name of superiors come especially bishops, parish priests, parents, masters. Hence these are accustomed to sin gravely if they do not correct delinquent subjects and if they are, as it is said, like mute dogs.

Corollary. Since these two conditions rarely concur together, a grave obligation of making fraternal correction is also rarely present for a private man (who is not the superior of the delinquent or very near to him).

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[93] Certain theologians wish that there is no obligation of fraternal correction if there is question only of the danger of gravely sinning and not of a grave sin already committed or of the danger of relapse into grave sin; in this case, they say there is only an obligation of admonition. But there must be no dispute about words. All admit that in each case there can be present a grave obligation of admonishing neighbor, so that he may rise from sin or may not fall into sin.

[94] Cf. Billuart, *De carit.* diss. VI, a. 2.

[95] Cf. *S. theol.* 2, 2, q. 33, a. 6 and 8.

602. 3. The manner to be preserved in fraternal correction is with great prudence. Hence toward inferiors and equals it is to be made with kindness and love, according to the warning of St. Paul:[96] "If a man

shall have been overtaken in some fault, you who are spiritual, instruct one of this kind in a spirit of meekness." But toward superiors correction is to be made with reverence and humility. "You shall not rebuke an elder, but entreat him as a father."[97]

Because fraternal correction can easily injure the reputation of neighbor, hence Christ Himself prescribed this order to be preserved in charity: a) One must begin from a secret admonition: "Go and correct him between you and him alone." For public correction often offends the one to be corrected and renders him more obstinate. b) If secret correction has profited nothing, two or three witnesses are to be brought in, so that in this way the sinner may be more efficaciously induced to amendment. c) If he does not yet wish to be converted, then he is to be denounced to the legitimate superior: "But if he does not hear them, tell the Church." The superior, all circumstances having been considered, can proceed against the guilty person by paternal or even judicial correction.

Exceptions in which this order of fraternal correction is not to be observed:

a) If the sin is public, i.e. already known to the greater part of the community or soon to be made known: for then it is not necessary that a secret admonition precede denunciation, but the sinner is to be publicly rebuked, according to that saying: "Rebuke those sinning before all, that the rest also may have fear."[98] But the reason is that when the sin is public, a remedy is not only to be applied to the sinner, that he may become better, but it must also be guarded against lest others take scandal. Besides, in this case the end ceases on account of which secret correction is commanded, namely, the reputation of neighbor to be preserved.

b) If the sin is indeed occult, but tends to the harm of others, which cannot be sufficiently guarded against in another way. For example, if in some college of young men one draws others on to grave sin, such a corrupter is to be denounced to the superior, who can efficaciously avert so imminent a danger of perversion (at least if the imminent evils cannot at once be impeded through secret admonition).[99] But if someone knowing such a danger to exist in some community should refuse to denounce the corrupter, sacramental absolution would have to be denied to him.

c) If the delinquent has yielded his right to private admonition, as happens in certain religious societies, in which denunciation of all faults is to be made at once to the legitimate superior. Yet even in these religious societies charity demands that the matter not be denounced to the superior, if it is certainly established that the brother has already amended or within a short time will amend his fault, and that no danger of relapse is present.[100]

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[96] Gal. 6, 1.

[97] 1 Tim. 5, 1.

[98] 1 Tim. 5, 20.

[99] Cf. *S. theol.* 2, 2, q. 33, a. 7.

[100] It is worth the effort to bring forward the opinion of St. Thomas concerning the manner to be preserved in fraternal correction: "I answer that it must be said that correction of this kind ought to proceed from charity; and thence it is that it is called fraternal correction; and therefore it is necessary to take the order of fraternal correction according to the order of charity. But the order of charity is that one prefer the common good to the good of neighbor: likewise that he will the good of neighbor, both of conscience and of reputation; and in these he should will more the good of conscience when both cannot be had. And therefore, with these things considered, I believe that, if there were some carnal or spiritual sin which tended to the harm of the multitude, it must immediately be revealed; since the common good in the order of charity outweighs ... the good of neighbor, whether it be of reputation or of conscience. But when harm to the multitude is not feared, then one ought to guard both, namely, the good of

reputation and of conscience, by correcting secretly between himself and him. But if correction does not follow from this, then according to the order of the Gospel he ought to bring another with him, or even refer it to the Church" (*Quodl.* 11, a. 12).

603. Scholion. On the correction of one sinning only materially. The office of warning or correcting him who from ignorance or inadvertence materially transgresses the law has a similarity with the precept of fraternal correction explained thus far. Hence the question arises whether someone is bound to warn a neighbor who, with ignorance that is not culpable, e.g., eats meats on a prohibited day? To this question the answer is:

1. Superiors to whom it belongs from office to instruct their subjects are bound (speaking commonly) to warn the erring, if some fruit is hoped for from the warning; but if from the warning material sins would easily be transformed into formal sins, the warning ought to be omitted. E.g. a confessor ought to warn a penitent who from ignorance has transgressed an ecclesiastical law. Only the case is excepted when the penitent from the warning would probably have great spiritual harm. Indeed in this case, if an urgent reason is present, the material transgression even of the natural law can be permitted. Thus, e.g., not once only has the Holy Penitentiary permitted that putative spouses living in good faith, who cannot be separated from each other without the greatest inconvenience, continue to cohabit as though joined in true marriage.
2. Equals who are private men are commonly not bound to warning, unless otherwise a) harm would arise to the ignorant person himself or to some third person; e.g. if someone wished to destroy the precious thing of another person, whose value he does not know; b) scandal would occur; c) a violation of divine law or of religion would be present, inasmuch as it is intrinsically evil.[101] From these things it follows that, e.g., children acting immodestly, although they do not know the sin, ought to be warned that acts of this kind are to be omitted; unbelievers publicly detracting from the Catholic religion ought to be rebuked because of scandal otherwise arising.

[101] Thus S. Alph., *Theol. mor.* l. 2, n. 36.

Article III. On sins against charity toward neighbor

604. Preliminary Note. The precept of charity toward neighbor is at the same time positive and negative. Insofar as it is positive, it enjoins acts of charity, by omitting which a man sins. Let the things said in the preceding article suffice for judging these sins of omission. But insofar as the precept of charity is negative, it prohibits several acts: hatred, enmities, envy, discord, contentions, war, quarrels, scandal, cooperation in evil, etc. Already above enough has been said concerning hatred, enmity, and also envy.[102] War will be treated below, t. II, because by war not only charity but also justice is usually violated.

Discord (*Zwietracht*) is opposed to concord, which is union of hearts. Discord is a disagreement of wills concerning the good of God and neighbor; but not a disagreement of opinions, which sometimes is licit and existed, e.g., between St. Peter and St. Paul. Discord arises from excessive love of self and notably from vain glory.[103] Sacred Scripture bearing witness (Prov. 6, 19 and 17, 19), he who meditates discords loves quarrels, and him who sows discords among brothers God detests.

Contention (*Wortstreit*) is a disordered fight of words, or, as Cicero (*Rhet.* lib. 3) says, "it is sharp speech fitted for confirming and refuting." This disordered fight of words is accustomed to arise from vain glory, just as discord.[104]

A quarrel (*tatlicher Streit*) between private persons is a certain private war, which is waged not only with words, but also by exterior deed. A quarrel is accustomed to arise from anger and is more or less sinful, unless it happens from just defense.[105]

It remains only that here scandal and cooperation be treated more fully. Those two sins are not specifically distinct, but differ only in degree. Nevertheless, for the sake of clarity we shall treat separately 1. of scandal and 2. of cooperation in evil.

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[102] Cf. n. 421 sqq.

[103] *S. theol.* 2, 2, q. 37, a. 2.

[104] Ib. q. 38, a. 2.

[105] Ib. q. 41, a. 2.

§ 1. On scandal

605. Notion. Scandal, derived from the Greek word *skandalon*, signifies according to etymology any obstacle at which someone strikes his foot, totters, or falls. Scandal is one thing active, of which we treat directly here and which consists in an occasion of the ruin of neighbor being given; another thing passive, which is the ruin itself or the very sin of neighbor caused from such an occasion. Active scandal (*anstossige Handlung*) is defined by St. Thomas:[106] "a saying or deed less right, furnishing to another an occasion of ruin" (spiritual).

It is said 1: **a saying or deed**, by which words there is comprehended also the omission of a due saying or deed, which furnishes to another an occasion of ruin.

It is said 2: **less right**, i.e. either evil in itself, or having the appearance of evil; for no one takes an occasion of sinning from a work which either is good in itself or at least appears good. In pharisaic scandal and in the scandal of the little ones (concerning which below), the work from which it arises is indeed good in itself, but appears evil from the malice or from the imperfection of him who takes scandal.

It is said 3: **furnishing to another an occasion of ruin**, i.e. scandal is apt for inducing another to moral evil. Certainly nothing can sufficiently and necessarily induce man to evil, since man always remains free; but scandal entices him (although not always efficaciously) to sinning.

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[106] *S. theol.* 2, 2, q. 43, a. 1.

606. Divisions. Scandal is divided in many ways. Besides the division into active and passive scandal, of which mention has already been made, the following subdivisions are to be noted:

1. Active scandal is subdivided into direct scandal and indirect scandal. The former is had if the intention of the agent is borne toward the sin of another, e.g. by command, counsel, seduction, etc. The latter is had when the sin of another is not indeed intended, but is foreseen, and notwithstanding the foresight, the act which furnishes the cause of another's sin is not omitted; e.g. if someone publicly commits a sin, foreseeing that others will thereby be induced to some evil. Therefore indirect scandal is like an indirectly voluntary evil or even like the voluntary in a qualified sense, concerning which see above n. 53 sq.

Direct scandal is again subdivided into direct formal or diabolical scandal and into direct scandal simply. The former is when someone from hatred of God or neighbor by his action principally intends the perversion of

neighbor. It is deservedly called diabolical, because such a man truly acts like the devil, "who as a roaring lion goes about, seeking whom he may devour."[107] The latter is when a man by his action does not indeed directly intend the formal sin of another, but something else with which sin is joined, e.g. his own pleasure, vengeance, etc. But since he cannot attain that end without the sin of another, he also indirectly intends this sin.[108]

2. Passive scandal is subdivided into scandal given and into scandal accepted or taken. The former is that which is produced from the truly evil action of another, e.g. a girl is seduced from wanton speeches which someone publicly utters. The latter is that which does not arise from the evil action of another, but from an action right and good in itself, which nevertheless is taken by another, either from ignorance and weakness or from malice, as an occasion of sinning. If passive scandal arises from ignorance or imperfection, it is called scandal of the little ones, e.g. if someone should take scandal on seeing a priest on a two-wheeled machine (commonly *Velociped*), thinking this to be prohibited to priests of itself. But if passive scandal is taken from malice, it is called pharisaic, because the Pharisees, seeing the best works of Christ and His miracles, nevertheless were scandalized from their own malice and ill will.

From the explanations given it follows that sometimes active and passive scandal are simultaneous, e.g. if someone commits sin precisely because another has given a true occasion. In this case there is had on one side active scandal and on the other side passive scandal given. But sometimes there is active scandal on one side, namely, when someone does a work inductive to the sin of another; but on the other side there is no passive scandal, because that man strongly resists the temptation arising. Finally, sometimes there is passive scandal without active scandal, namely, if someone from his own weakness or malice takes an occasion of sinning on account of a truly good work apprehended. In this case passive scandal accepted is had.[109]

In order that the divisions of scandal may more easily be furnished at one glance, we place the following schema:

1. active
   direct (per se)
      formally direct or diabolical
      materially or simply direct
   indirect (per accidens)

2. passive
   given
   accepted
      of the little ones
      pharisaic

Malice of scandal.

[107] Cf. 1 Petr. 5, 8.

[108] This is the common division of scandal given by moderns, e.g. Lehmkuhl, *Theol. mor.* I 628; Noldin, *De praec.* n. 103; Gopfert, Schindler. Another is the division given by St. Thomas (*S. theol.* l. c. a. 1 ad 4), namely, active scandal is subdivided into scandal per se and scandal per accidens. Scandal per se is present "when someone by his evil word or deed intends to induce another to sin, or even if he does not intend this, the deed itself is such that of its own nature it has that it is inductive to sinning." If the agent intends the sin of neighbor precisely as it is sin (namely, led by hatred of God or neighbor), it is called diabolical scandal; but if he intends only the action of another, with which sin is necessarily connected, it is scandal simply direct. To this scandal per se there

corresponds, in him who falls into sin on account of scandal, scandal given. - Scandal per accidens is a word or deed which, beyond the intention of the one operating and beyond the condition of the work itself, is an occasion of sin for another on account of his weakness or malice. Passive scandal arising from scandal per accidens is either pharisaic or of the little ones.

[109] Cf. *S. theol.* 2, 2, q. 43, a. 1 ad 4.

607. Principle 1. Direct scandal is a mortal sin from its genus, and indeed both against charity and against that virtue to the violation of which neighbor is induced.

Proof 1. From Sacred Scripture. Christ says: "But he who shall scandalize one of these little ones who believe in Me, it is expedient for him that an ass's millstone be hung on his neck, and that he be drowned in the depth of the sea. Woe to the world because of scandals! For it is necessary that scandals come; nevertheless, woe to that man through whom scandal comes."[110] From these entirely grave words it is manifestly established that scandal from its genus is a mortal sin.

Proof 2. Scandal is against charity, which gravely prohibits injuring the spiritual good of neighbor. Hence St. Thomas teaches: "Active scandal is always sin in him who scandalizes: because either the very work which he does is sin; or even if it has the appearance of sin, it is always to be laid aside on account of charity toward neighbor, by which each one is bound to provide for the salvation of neighbor; and thus he who does not lay it aside acts against charity."[111] But since all sins which are directly against charity are mortal sins from their genus, hence the sin of direct scandal is mortal from its genus. - Not only charity, however, but also that virtue is injured which the scandalizing person or the scandalized person violates. Hence active direct scandal commonly includes three sins; e.g. he who acts immodestly before a girl in order to seduce her commits three grave sins, namely, a double sin against chastity (namely his own sin and the girl's sin, which is also imputed to him), and a sin against charity, insofar as he harms the girl.[112] - Direct scandal, although from its genus it is a mortal sin, nevertheless can become a venial sin; and indeed not only from imperfection of the act, insofar as the one scandalizing acted with half-full advertence or imperfect consent, but also from smallness of matter.

The gravity of scandal depends on many circumstances. It is always a mortal sin if the one scandalizing by his action, which perhaps from its object is not gravely sinful, intends the grave sin of neighbor. For such a depraved intention gravely injures charity, although perhaps the neighbor in reality did not consent to the seduction furnished to him.

The following general rules can be had for judging the gravity of scandal:

The guilt of scandal is the graver, according as a) the sin of neighbor is more willed; b) the action more influences the sin of neighbor; c) the sin committed by neighbor is graver.

The guilt of scandal is the lighter, according as a) the defect of sufficient deliberation is greater; b) the action itself influences neighbor more lightly; c) the sinful matter to which neighbor is induced is lighter, e.g. if someone is induced to a small officious lie.

Note. The malice of scandal becomes greater if the scandalized neighbor truly falls into sin. But even if the one scandalizing (directly) foresees that his solicitation will probably be fruitless, nevertheless he commits the sin of scandal. Wherefore prostitutes soliciting men to sin cause scandal as often as they solicit, although often they foresee that they themselves will suffer rejection.

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[110] Matth. 18, 6 sq.

[111] *S. theol.* l. c. a. 4.

[112] Cf. nevertheless below n. 611 concerning a girl freely consenting to fornication.

608. Principle 2. Indirect scandal is indeed a sin against charity, but not against that virtue which is injured by the scandalized person.

Thus St. Thomas and very many of his Commentators,[113] such as Cajetan, Banez, Ioannes a S. Thoma.[114] The same opinion is held by several modern authors, such as Ballerini,[115] Lehmkuhl,[116] Noldin.[117] The mind of St. Thomas, concerning which authors dispute much, nevertheless seems to be sufficiently clear; for the Angelic Doctor writes: "Active scandal can be taken in two ways: namely per se and per accidens; per accidens indeed, when it is beyond the intention of the agent; as when someone by his deed or disordered word does not intend to give to another an occasion of ruin, but only to satisfy his own will: and thus also active scandal is not a special sin; because that which is per accidens does not constitute a species."[118] - St. Alphonsus holds the opposite opinion, saying: "He who directly or indirectly induces neighbor to sin, sins in two ways, namely, both against charity and against the virtue to the violation of which he induces neighbor."[119] The holy Doctor cites for this opinion of his many authors, some of whom nevertheless are not rightly alleged. - The first opinion seems to be better, because in indirect scandal there is not properly a willing and approval of another's sin, but rather its permission, which is not necessarily imputed to the one giving indirect scandal. Besides, in practice there is not such great difference between the two opinions, as Concina himself,[120] patron of the second opinion, admits. - The following things are to be attended to in practice:

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[113] On *S. theol.* 2, 2, q. 43, a. 1-4.

[114] On 1, 2, q. 18, disp. 10, a. 1.

[115] In notes to Gury, *Comp. Theol. mor.* I, n. 236.

[116] *Theol. mor.* I 789.

[117] *De praecept.* n. 104.

[118] *S. theol.* 2, 2, q. 43, a. 3. The same Angelic Doctor teaches the same still more explicitly, 4, dist. 38, q. 2, a. 2, quaestiunc. 2. The mind of St. Thomas is explained excellently by Cajetan in the Commentaries on *S. theol.* l. c. a. 1.

[119] *Theol. mor.* l. 2, n. 45. - G. J. Waffelaert discusses this controversy at great length and breadth in "L'espece morale du scandale." His general conclusion is: "1. Every scandal contains a species against charity. 2. Indirect scandal is not, generally speaking, a sin of the same nature as that to which it gives occasion" (p. 145).

[120] Lib. 1 *in Decal.*, diss. *de scand.* c. 2.

609. Resolves: 1. He who without sufficient cause gives indirect scandal through an action good or indifferent in itself sins against charity only. Hence scandal of the little ones or pharisaic scandal foreseen and culpably not impeded is a sin against charity in him who was the voluntary occasion of those scandals. Wherefore, e.g., a priest legitimately dispensed from the law of fasting and eating meat before laymen, foreseeing that they will be scandalized and perhaps by his example be induced to eating meat on forbidden days, indeed sins against charity, but not against temperance. In confession he is bound to say: Legitimately dispensed, I ate meat before laymen, foreseeing that they would take scandal from it, and I neither warned them concerning my dispensation nor had any sufficient reason for so acting.

2. He who gives indirect scandal through an evil action performed before others commits a double sin to be declared in confession, namely, one through the evil action considered in itself, the other through injury to charity, because he was an occasion of spiritual harm for neighbor; but he does not sin against the virtue which neighbor perhaps violated on account of indirect scandal. Hence, e.g., he who committed theft before others, foreseeing, but in no way intending, that a neighbor, having seen this evil example, would also commit theft, indeed sinned against charity by publicly perpetrating theft, and

he is bound to declare this in confession, but he did not sin against justice from the fact that the neighbor also committed theft; and a fortiori he is not bound to restitution on account of the theft committed by neighbor.

Or St. Alphonsus himself[121] and several other authors, thinking that in this case there is a double sin against justice, do not oblige him who gave indirect scandal to restitution. But other favorers of the second opinion, speaking more logically, oblige to restitution in this case. Therefore Billuart,[122] a favorer of the second opinion, says: "If [someone] by his example efficaciously moves another to damage, he sins equally against justice with respect to the one damaged, as if he moved him by counsel or persuasion." But he who efficaciously counsels unjust damage, beyond all doubt, is bound to restitution. And in truth, as will be taught below in the treatise on unjust damage, with all theologians agreeing, an unjust damager is bound to restitution if his action was truly, formally, and efficaciously unjust. But according to the second opinion the action of him who by his example causes the damage of another is truly, formally, and efficaciously unjust. Hence logically it would have to be inferred that from such indirect scandal there arises an obligation of restitution. This, however, very few authors teach and require in practice. Hence the first opinion, also on account of this reason, namely, because it proceeds more logically, is to be preferred in theory and besides is safe in practice.

3. He who culpably gives indirect scandal before many probably commits as many sins against charity as there are persons truly scandalized. The reason is that charity is injured toward each scandalized person, inasmuch as each scandalized person is a total object. Hence, e.g., he who has uttered filthy words before twenty persons gathered together ought (insofar as he morally can) to declare in confession the number of persons scandalized. But since in practice it is often impossible to indicate the exact number of persons scandalized, and since indirect scandal frequently is not a mortal sin, whether on account of smallness of matter or on account of imperfection of the act, it is often enough to declare in confession in a general way that such a sin was committed before many. - According to the first opinion reviewed above in Principle 2, it is not necessary to confess the special condition of the persons scandalized through indirect scandal. Hence, e.g., it is not necessary to confess that filthy words were uttered before a nun, or a blood relative, or a married person. But sometimes the condition of the one scandalizing is to be explained, as if a superior, father of a family, parish priest, etc. scandalized subjects, because these are bound not only from charity but from office to guard against the ruin of their subjects.[123]

4. An action gravely sinful from its nature, perpetrated before others, is not scandal if it exercises no causality at all upon the neighbor seeing or hearing; e.g. if those before whom such an evil action is committed are so stable in good that they are in no way moved; or conversely, if they are imbued with such lost morals that they are no longer induced to sin from the evil action of another, but have been accustomed to sin from their own malice or passion.[124] Thus in theory; but in practice the circumstance that a gravely sinful action was done before others is generally to be accused, because this circumstance not only aggravates the sinful action, but also often produces true scandal, since it is almost impossible to establish whether an action of this kind exercised absolutely no harmful causality upon neighbor or not. Hence, e.g., he who would commit fornication, others even of the most lost morals being present, would have to confess this circumstance of the sin committed. For it is almost impossible that so great a foulness seen should move nothing toward lust. Authors commonly teach that it is a true sin of scandal if someone directly induces another to a thing evil in itself, even if that other had already before been prepared for sin. The reason is that a new actual ruin is caused to the

other. Wherefore that man acted illicitly who, doubting whether a woman living in his house was a prostitute, disguised, sought fornication from her in order to expel the doubt. When the woman immediately consented to sin, she was cast out by the man.[125]

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[121] L. c.

[122] *De carit.* diss. 7, a. 6, § 3.

[123] Cf. Billuart, *De carit.* diss. 7, a. 6, § 3.

[124] Cf. S. Alph., *Theol. mor.* l. 2, n. 45.

[125] Cf. S. Alph., *Theol. mor.* l. 2, n. 47.

610. Obligation of avoiding scandal.

1. **Pharisaic scandal** is not necessarily to be avoided if there is some reasonable cause for acting.

The reason is that such scandal arises from the malice alone of him who takes scandal. This indeed is confirmed by the example of Christ, who answered the disciples saying: "Do you know that the Pharisees, having heard this word [concerning foods], have been scandalized? - Let them alone; they are blind and leaders of the blind."[126] Sometimes, however, charity requires that even this scandal be avoided; e.g. a cleric is bound from charity, if he easily can, not to pass through a street where wicked men, seeing him, would break forth into blasphemies against religion.

2. **The scandal of the little ones** is to be avoided as often as this can be done without grave inconvenience.[127]

The reason is that charity obliges us to prevent the evils of neighbor when it can be done easily. But if a notable inconvenience arises for the agent, then scandal of the little ones can be permitted; and this inconvenience ought to be the graver in proportion as the sin feared is graver, as it is more certainly foreseen as going to happen, and as there are more persons going to suffer scandal. Hence indifferent works, or works which are only of counsel, are sometimes to be omitted in order to avoid scandal of the little ones; e.g. a girl who knows that she is being foully desired by a young man is bound sometimes, but not for a long time, to omit hearing Mass on weekdays; indeed, according to several theologians, even once or twice on days of precept.[128] Likewise entrance into Religion ought to be deferred somewhat if otherwise parents would take grave scandal, and there exists hope that they will shortly give consent. On the contrary, no one is bound to pay more to some workman, even if he foresees that the man, notwithstanding the just price received, will blaspheme. The reason is that such a workman by a greater payment would be rendered still more insolent and worse another time. A parish priest who is not fasting could, indeed would be bound to, celebrate Mass if otherwise a great scandal would arise among the people. The reason is that the positive law of the Eucharistic fast ought to yield to the natural law of avoiding scandal. But never (as, moreover, is self-evident) is it licit to do something intrinsically evil in order to avoid scandal; e.g. it is not licit to deny the faith in order to avoid the blasphemies of heretics.

3. It is not a sin of scandal, from a just cause, to permit an occasion of sin or even to place it by some honorable action.

Thus St. Alphonsus[129] and theologians commonly. St. Thomas agrees, saying: "To induce someone to sin is licit in no way; nevertheless to use the sin of another for good is licit; because even God uses all sins for some

good; for from any evil whatever He draws out some good";[130] and: "Sometimes a man, having his wife suspected of adultery, lays snares for her, so that he may be able to discover her with witnesses in the crime of fornication; and thus he can proceed to accusation."[131] Hence Judith, for a most grave reason, offered Holofernes an occasion of sinning. The reason, however, is that to permit sin is not something evil in itself, since God also permits many sins. But for discerning in practice when it is licit to permit sin, those rules are to be applied which were given above, where there was treatment of the indirectly voluntary (n. 57 sqq.), namely when it is licit to place a cause from which there follows a double effect, one good, the other evil. E.g. it is licit for a master not to remove the occasion of stealing from sons and servants, so that, having been detected, they may be suitably punished and corrected; guards of gardens, orchards, and vineyards can hide themselves so that those doing damage may be apprehended; it is licit to borrow money from a usurer from a just cause, even if he is going to commit the sin of usury.

Certain questions are usually proposed and solved here by theologians, namely:

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[126] Matth. 15, 12-14.

[127] Cf. *S. theol.* 2, 2, q. 43, a. 7 et 8.

[128] S. Alph., *Theol. mor.* l. 3, n. 51.

[129] Ib. n. 58.

[130] *S. theol.* 2, 2, q. 78, a. 4.

[131] Suppl. q. 62, a. 3 ad 4.

611.

1. Whether it is licit from a reasonable cause to ask from another that which he himself will not furnish without sin? **R.** Affirmatively, if the sin proceeds from the malice alone of the other; negatively, if the work asked is intrinsically evil. Hence it is licit from a reasonable cause to ask sacraments from an unworthy priest; an oath from one who is going to perjure himself; the conjugal debt from a spouse who is going to perpetrate onanism. On the contrary, it is not licit to buy stolen things from a thief, or to ask sacramental absolution from a priest who lacks jurisdiction.
2. Whether it is licit to counsel someone to a lesser evil in order to prevent a greater? **R.** Negatively, unless that lesser evil is virtually included in the other greater evil already determinately willed. Yet there are many and great authors, among whom are St. Alphonsus,[132] Dominic Soto,[133] and Cajetan,[134] teaching that it is more probably licit to counsel a lesser evil, if the other has already been determined to carry out the greater, as Lot is read to have done (Gen. 19, 8), when, the Sodomites wishing to abuse two men, he counseled fornication with his two daughters. Nevertheless the first opinion, namely the negative one, seems to be better and truer. For he who by counsel induces another to a lesser evil not virtually included, but disparate, really causes a new sin and does not prevent the first greater sin (according to its malice). E.g. if someone determinately wishes to commit adultery, I cannot counsel him to simple fornication. For if he consents to my counsel, he is guilty before God not only of the adultery willed, but also of the fornication counseled by me, and I am really the cause of this fornication done. On the contrary, if someone wishes to steal 100 francs from Peter, I can counsel him to take only 10 francs, because then this second sin is virtually included in the first.[135]
3. Whether in sins which cannot be committed without an accomplice the circumstance of induction is necessarily to be declared in confession? **R.** All indeed teach that he who induced another to sin sinned

more gravely than if the sin had been done without induction; but several grave theologians, among whom are Lugo, the Salmanticenses, St. Alphonsus,[136] and many moderns, rightly affirm that this circumstance of induction is only an aggravating circumstance and not one changing the species, unless, however, the induction had been made by threats, coercion, or fraud. Hence he who committed fornication is not strictly bound to say that he induced the woman to this sin, if she gave consent freely, without preceding threats, fraud, or coercion. The reason is that no special injury was inflicted upon one consenting.

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[132] *Theol. mor.* l. 2, n. 57.

[133] *De iur. et iust.* l. 6, q. 1, a. 5.

[134] *Summula* v. Tyrannis.

[135] Cf. below II, n. 103.

[136] *Theol. mor.* l. 2, n. 46.

612. Reparation of scandal.

There exists a true obligation of repairing scandal, because through scandal the charity of neighbor has been wounded, and not rarely also the public good. Wherefore he who has given grave scandal cannot be admitted to the sacraments unless he has repaired the grave scandal given, or, if there is question of sacramental absolution, unless he has at least seriously promised the reparation of that scandal. This obligation arises from the virtue of charity, or even from the virtue of legal justice, but not from the virtue of commutative justice, unless neighbor had been seduced by means truly unjust, e.g. by threats, coercion, fraud, etc.

1. Public scandal must also be repaired publicly. The reason is obvious, namely because otherwise its evil influence is not eliminated. It is to be noted that this obligation of public reparation exists even if from the active scandal given no ruin of neighbor in fact followed. For the public good requires that the individual members of human society lead a morally ordered life. But if they have publicly neglected this obligation, they ought also publicly to return to good conduct. This return is sometimes had sufficiently if he who gave scandal now gives good example; e.g. if a notorious adulteress publicly receives the sacraments, devoutly assists at the exercises of religion, and diligently fulfills the duties of her state. Sometimes, however, good example publicly given is not sufficient for the due reparation of scandal, but besides this an express retraction is required. Thus, e.g., he who spread false doctrines ought publicly to revoke them; he who publicly gave his name to the Masonic sect is bound expressly and notoriously to retract his adherence, etc. It belongs to a prudent confessor, or parish priest, to determine the mode of reparation of public scandal. In graver cases recourse must be had to the Ordinary or to the Holy See.
2. Secret scandal must be repaired before those persons who have borne some damage from it. Hence, e.g., a seducer is bound in the best way he can to see that the seduced neighbor recover his former salvation. If from secret scandal no true damage has befallen the neighbor, then it suffices that he who gave scandal show thereafter, by his good example, the amendment made.

Scandal in Certain Particular Cases.

The whole world indeed is set in evil,[137] and there are very many things which cause scandal. But there are certain things which more frequently entice to sin, and concerning these it is usual to treat specially in the

treatise on scandal. Now these things are: 1. the adornment of women, 2. obscene images and statues, 3. dances and spectacles, 4. bad books and evil newspapers.

[137] Cf. 1 Jo. 5, 19.

613. 1. The adornment of women. It is licit for women to adorn themselves, provided, however, that this is done in a right manner and for an honorable end. Hence St. Paul says: "I wish therefore ... likewise also women in adorned apparel, adorning themselves with modesty and sobriety, and not with braided hair or gold or pearls, or costly clothing, but what befits women."[138] First of all attention must be given to the end or intention by which a woman adorns herself. This intention can be either a) honorable, e.g. that she may please her husband, that she may find a spouse, that she may conceal natural defects; or b) less honorable, e.g. that she may present her beauty for the admiration of all; or c) finally directly sinful, e.g. that she may provoke the concupiscence and impure love of men. It is self-evident that in the third case every adornment of women is gravely sinful. But in the first and second case adornment is licit, or only lightly evil, provided however that it is not immodest adornment. Therefore women can assume modest adornment from an honorable end, even if perhaps someone takes an occasion of sinning.

But notably immodest adornment is a grave sin, because it is grave scandal furnishing to many a cause of spiritual ruin. But for discerning what adornment of women is immodest, attention must first of all be given to the customs of the country in which the women live, e.g. in hot regions. That adornment or dress is censured by deserved right as immodest which, the circumstances of place and time being considered, incites to lust. Cf. Instruction of the S. C. of the Council to diocesan ordinaries, "On the dishonorable manner of dress of women," Jan. 12, 1930. *Act. Ap. Sed.* XXII 26 sqq.

When theologians speak of the immodest dress of women, they chiefly have before their eyes the uncovering of the breast. But what uncovering of the breast is gravely dishonorable depends much upon custom. For things to which people are accustomed entice less. Hence it can happen that a woman furnishes grave scandal on one occasion and not on another, although she appears adorned in the same manner. It will easily be a mortal sin of scandal if women publicly in the streets present themselves to the sight of all with a transparent garment about the breast, or with some, although not so immoderate, denudation of the breast; on the contrary, it is not so easily a mortal sin if in some private society, e.g. on the occasion of a more solemn dinner, dancing, or another festivity, they appear in such dress - with moderate denudation, however, and not down to the middle of the breasts. The reason is that there is an almost universal custom that women in those circumstances somewhat bare the breast or wear transparent garments about the upper part of the breast. Hence it would be a grave inconvenience if some woman had to refuse obedience to that custom.

Decency of dress is especially to be observed in assisting at sacred functions. Wherefore many bishops have issued special statutes concerning decency of dress in these circumstances. - Whether it is licit for women to paint their face with rouge? St. Thomas answers that this is licit if it is done to hide some blemish or deformity; but that it is a light sin if it is done from vanity, yet without an evil end.[139]

[138] 1 Tim. 2, 9 sq.

[139] *S. theol.* 2, 2, q. 169, a. 2 ad 2.

614. 2. Obscene images and statues. Images and statues are called obscene which are accustomed to excite to venereal lust. This indeed can happen either on account of the scene which they exhibit, or on account of the nudity of the persons whom they represent. Wherefore those are obscene which represent acts truly foul,

and ordinarily also those which represent adult persons entirely nude; on the contrary, those which represent nude infants cannot be called obscene. Likewise anatomical figures are not obscene (although they cannot licitly be looked at by all). Likewise so-called "artistic studies" (*Aktstudien*) upon a nude human model, provided they are made from a just cause. Likewise if nude persons are represented in a manner so artistic or idealistic that those looking are moved chiefly by the art or by the idea represented. Hence, e.g., the very celebrated Laocoon in the Vatican Museum cannot be called obscene; likewise several representations made in the Catacombs or in the first times of the Middle Ages are not obscene, whose piety we admire, and which also are sometimes had in Catholic churches. Furthermore it certainly cannot be said that the Catholic Church, and especially the Church in the Catacombs, to which holy martyrs and confessors gathered, admitted obscene images.

Nevertheless even those artistic or idealistic representations, if they represent nude adult persons, today are no longer to be placed before the eyes of all, especially of the young, because several are not able to discern art so well, but rather are moved from the thing itself represented. - Those who make obscene images or statues, or place them before the eyes of all in public streets or gardens, commit a grave sin of scandal. But entrance into public museums and other public exhibitions, where several nude statues and images are set forth, is not to be permitted (without a reasonable cause) to young persons not yet having mature judgment.

615. 3. Dances and spectacles, although in themselves they are something indifferent, are nevertheless very frequently accustomed to produce grave scandals and to be proximate occasions of sinning gravely. Certainly it is never licit to institute dances in which, by reason of nudity, gestures, etc., something notably dishonorable is externally done; but if these things do not occur, although the sins of many to be committed on the occasion of dances are feared, those who institute them from a reasonable cause, or who are present at them, cannot in themselves be said to be liable to grave sin. A cause is required that is the graver in proportion as the occasion of sinning is more proximate. In our times it is often most difficult to turn the faithful away from instituting and frequenting all dances. Therefore let the parish priest and confessor strive according to their powers that young persons be present at dances more rarely, that nothing dishonorable be perpetrated there, and that a proximate occasion of sinning be absent. - Almost the same thing ought to be said of spectacles and cinematographic exhibitions. But in our times not a few spectacles are wicked, both on account of things represented against religion or good morals, and on account of the immodest dress of those representing. Since in ordinary cases someone can more easily exempt himself from the obligation of assisting at these spectacles than from the moral compulsion of assisting at dances, it seems that a stricter practice with respect to spectacles than with respect to dances should ordinarily be observed.

616. 4. Bad books and evil newspapers in our times constitute a most abundant fountain of scandals, because they pervert very many men with respect to morals and with respect to religion. Hence authors and editors of bad books, journals, and other writings furnish very grave scandal. Likewise booksellers gravely sin who sell books and writings of this kind to anyone at all, or furnish them to be read. But on account of great inconveniences that would otherwise arise, booksellers can sometimes sell such books to men having mature judgment, who incur no danger of perversion from the reading, provided, however, that those books are not obscene by profession. Concerning this matter the Code of Canon Law establishes c. 1404: "Sellers of books are not to sell, lend, or retain books treating of obscene matters by profession; they are not to have the other prohibited books for sale, unless they have obtained the due permission from the Apostolic See, nor are they to sell them to anyone unless they can prudently judge that they are legitimately sought by the buyer." Workers also, who proximately cooperate in the printing and distribution of these writings, sin gravely of themselves.

§ 2. On cooperation in evil

617. Notions. To cooperate in general is to work with another; therefore to cooperate in evil is a concurrence furnished to the wicked action of another. This concurrence, however, can be furnished in a threefold way: a) By an influence upon the will of the agent who executes the wicked action; in this way those cooperate who command, counsel, flatter, etc. This cooperation does not differ essentially from scandal, concerning which enough has been said in the preceding paragraph, and concerning it there will be treatment again below II, n. 100, where there will be speech about cooperative damaging. b) By participation in the very wicked action; in this way, e.g., those cooperate who by combined strength execute a theft. c) By the presentation of matter or a faculty necessary for acting; in this way, e.g., those cooperate who furnish wine for drunkenness, weapons for killing, etc.

The first mode of cooperation is reduced to scandal, as has already been said, and is a cause of sin; the second mode is immediate cooperation; the third mode, however, is mediate cooperation, and is either proximate, when the matter or faculty furnished proximately influences the wicked action of another, as if someone sells poison to a man prepared to kill another; or it is remote, when the matter furnished influences the wicked action only remotely, as if someone sells a lamb to a Jew, which he perhaps will slaughter as a paschal lamb. From what has been said thus far it follows that scandal and cooperation are intimately connected. But the principal difference between the two is that scandal causes the evil will of the sinner, whether by counsel, or command, or persuasion, or example, etc.; cooperation, however, supposes the evil will of the sinner and serves only as an instrument for completing that evil will by an external work.

Division. Besides the distinctions of cooperation already given into mediate and immediate, and into proximate and remote, there is given the principal distinction into formal and material cooperation.

Formal cooperation is that which helps another toward the formal element of sin, i.e. toward sin as it is sin; and this indeed happens if formal cooperation is sinful in itself, i.e. whether from the moral object itself or end of the work, or from the end of the one operating, e.g. if someone helps another to perpetrate homicide.

Material cooperation is to help toward the material element of sin, i.e. toward the action of another, not as it is sin, but as it is a physical action;[140] and therefore cooperation is an action honorable in itself or at least indifferent, which nevertheless another abuses for sin; e.g. if a wife from a good intention renders the conjugal debt to a husband abusing it for onanism. - It must be confessed that not rarely it is most difficult to discern whether formal cooperation is present or not; nor do different theologians always agree in this matter.

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[140] Authors do not agree in the description of material and formal cooperation. St. Alphonsus (*Theol. mor.* l. 2, n. 63) writes: "Some say that cooperation is then material when it of itself by accident and remotely conduces to the sin of another; but then formal when through itself, or on account of some joined circumstance, it proximately conduces to the execution of sin, although of itself it would be indifferent. - But it must better be said with others that that cooperation is formal which concurs only toward the evil will of another and cannot be without sin; but that that cooperation is material which concurs only toward the evil action of another besides the intention of the one operating." - Formal cooperation arises 1. from an intrinsically evil action, e.g. to print things against religion; 2. from the depraved intention of the agent, e.g. to help a maidservant so that she may more easily be able to sin with her paramour, as was said above.

618. Principle 1. Formal cooperation in the sin of another is intrinsically evil and therefore is never licit.

Thus all theologians teach. But the intrinsic reason for this principle is that formal cooperation includes the consent of the will in another's sin; and this, certainly, is never licit.

Formal cooperation has a twofold malice: one against charity, the other against the particular virtue, e.g. justice, which is wounded through the sin of both cooperating persons; and therefore in confession that sin to which someone has formally cooperated must be declared with all its circumstances.

619. Principle 2. Material cooperation in the sin of another is sometimes licit, provided that a sufficient cause and a right intention are present.

St. Alphonsus proves this principle, admitted by almost all, in this way: "The reason is that, when you furnish an indifferent action without a depraved intention, if another wishes to abuse it in order to execute his sin, you are not bound except from charity to prevent it; and because charity does not oblige with grave inconvenience, therefore, placing your cooperation with a just cause, you do not sin. For then his sin does not proceed from your cooperation, but from the malice of him himself, who abuses your action. Nor is it valid to say that your action, although indifferent, yet joined with the circumstance of the depraved intention of another, becomes evil; for in truth your action is not through itself joined with that evil will of his, but he joins his evil will with your action; whence your action will not then be a cause through itself influencing sin, but only an occasion which he abuses for sinning."[141]

For discerning, however, when in individual cases this cooperation is licit, the rules are to be applied which above, n. 57, were given concerning the indirectly voluntary, namely if three conditions are present, i.e.: 1. if the action of the cooperator is good in itself or at least indifferent; 2. if the intention of the cooperator is right; and 3. if there is present a just cause, and indeed one proportioned both to the gravity of the sin of another and to the proximity of the concurrence which is furnished for the execution of the sin.

Application in practice. The principle concerning material cooperation is clear and certain; but its application in individual cases that occur is often most difficult. Now difficulty in practice can occur 1. whether such an action is intrinsically evil or not; 2. even if it is certain that the action is not intrinsically evil, whether there is present an excusing cause sufficiently grave. As to the first,[142] the action is not to be considered only abstractly, but with all circumstances and adjuncts. Hence, e.g., that a public driver (commonly *Lohnkutscher*, *cocher*) conveys in his carriage one asking to some determined place is an indifferent action; but if someone were to ask from that driver that he should conduct him to a brothel, this would not be licit and the action of conveying would become intrinsically evil. But in the case in which someone approaches such a driver now not asking that he wish to conduct him to a brothel, but to a determined house in a determined street, then even if that house designated is a brothel and the driver knows this, the action of conveying remains an indifferent action and therefore licit, if there is a sufficient cause. The reason is that a public driver is bound to convey all men asking to the places determined by them, nor does it belong to him to care what those asking are going to do in those places.

But as to the second, namely when there is present a proportionately grave cause, this depends upon the judgment of prudent men. St. Alphonsus[143] assigns the following rules from Busenbaum: "A cause is required that is the graver, 1. in proportion as the sin, for which an occasion is given, is graver; 2. in proportion as it is more probable that, without your cooperating, the other would not sin, or in proportion as the effect of the sin is more certain; 3. in proportion as your cooperation touches the sin more nearly; 4. in proportion as you have less right to such a work; 5. finally, in proportion as the sin is more opposed to justice, and this on account of the damage of a third party."

From what has been said thus far it follows that not only formal cooperation, but sometimes (and that not rarely) even material cooperation is gravely illicit on account of defect of a sufficient cause. But that it may

appear more clearly in what way the principles given are to be applied in practice, we solve the following practical cases:

[141] *Theol. mor.* l. 2, n. 63.

[142] Cf. Noldin, *De praeceptis* n. 120.

[143] L. c. n. 59.

620. Resolves. 1. Cooperation in religious and political matters. Today almost everywhere there exists so-called "liberty of worship." This liberty of worship of itself is something wholly illicit; nevertheless, on account of greater evils to be avoided, Catholics can accept it, and therefore Catholic deputies can from a grave cause give a vote in Parliaments that from the public treasury subsidies be given for non-Catholic worship.[144] But it is not licit to elect as deputy for parliamentary or municipal assemblies one who wishes to defend Liberalism or something else against the Catholic religion; for this would be cooperation against the good of religion. It is not licit positively to adhere to Socialists who plot against religion and legitimate civil authority; but if there is a just cause, it is licit together with Socialists to employ legitimate means for obtaining a just wage, or for repelling unjust oppressions of the rich. Proximate cooperation in an action which is gravely harmful to the common good, whether of religion or of the republic, is licit on account of no private temporal damage. Hence in Rome, where once great damage was being brought upon the Catholic religion from any help whatever furnished to Protestantism, the construction of Protestant temples was gravely prohibited by the Cardinal Vicar through the Instruction of July 12, 1878: "Nor are exempt from mortal sin the architects, contractors of workmen, masters, who undertake care and labor for building and adorning some Protestant temple. But as regards the masons themselves and other subordinate workmen, they can be excused from sin, provided scandal is absent, and that the things they are ordered to do are not done in contempt of religion."

In other regions, however, where many Protestants live with Catholics, and no grave scandal arises, if a Catholic architect builds a Protestant temple, there being a grave reason, it can be permitted that he undertake such a work.[145] The same must be said of those who adorn Protestant temples with paintings or statues, who sell utensils necessary for a non-Catholic rite. Marc-Raus[146] writes to the point: "Catholics are not to be disquieted who, in order to avoid grave damage, build or restore synagogues of Jews and temples of heretics, provided scandal is not present and it is not in contempt of religion. On account of the defect of this condition they are bound to abstain from the work, a) where a work of this kind is commonly held as a sign protesting for a false religion; or b) something is contained in it which through itself directly and uniquely expresses reprobation of Catholic worship and approbation of the condemned worship of heretics; or c) it is certain that Catholic artisans are driven or called to the work by heretics in contempt of the Catholic religion." - The S. Penitentiary, having been asked whether it is licit for Catholics to contribute money for building a heretical temple, in the year 1822 responded: "Affirmatively, but only for freeing themselves and their temples from that inconvenient and scandalous simultaneity with Protestants."

[144] Thus also Lehmkuhl, *Theol. mor.* I 818.

[145] Thus also S. Off. July 7, 1864, ad 10 (*Collectan. de Prop. Fid.* n. 1257).

[146] *Instit. mor.* I, n. 523 (3).

621. 2. Cooperation of servants is judged to be material and licit: a) To prepare forbidden foods on days of fast. For they can form for themselves the conscience that the master has a dispensation for eating those foods.

b) To open the door to visitors, although they come for an evil end, provided the danger of perversion is absent, which indeed will rarely be absent in that case. c) To accompany the master to a Protestant temple or to a synagogue, if this is required by them by reason of service and not in hatred of the faith. It is required, however, that such accompaniment not appear as a protestation of false religion, nor that the servants actively participate in the false worship.[147] d) To carry letters or other things to some person with whom the master has illicit intercourse.[148] The reason is that the servant by force of office is bound to perform works of this kind, nor does it belong to him to investigate what is contained in those letters or for what end such things are sent by the master.

Nor is St. Alphonsus opposed to this solution except apparently; for he seems to suppose that the servant has full confidence, as they say, of his master, and proximately and positively helps him by his works toward an evil end; and this indeed is certainly not licit. But in our times and in our regions servants are not accustomed to have the confidence of their masters in this way, but works are enjoined upon them simply, and it does not pertain to them to care what in particular the master intended by some enjoined work. Certainly it would be illicit cooperation if a male or female servant were to hide or help the evil actions of the sons of the family, lest they be detected by the parents. The proposition condemned by Innocent XI also seems to have to be understood of such proximate and positive cooperation in the evil action itself: "A servant who, with shoulders bent down, knowingly helps his master to ascend through a window to violate a virgin, and many times serves him in the same thing by carrying the ladder, opening the door, or cooperating in some similar way, does not sin mortally if he does this through fear of notable detriment, for instance lest he be badly treated by the master, lest he be looked upon with stern eyes, lest he be expelled from the house."[149] For although such cooperation is not intrinsically evil, as St. Alphonsus rightly teaches,[150] nevertheless the excusing causes brought forward do not suffice to render it licit.

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[147] Cf. what was said above n. 525 sq. concerning active communication in false worship.

[148] Cf. Noldin, *De praeceptis* n. 129; Lehmkuhl, *Theol. mor.* I 828.

[149] Dens, n. 1201; cf. Lehmkuhl, *Theol. mor.* I, n. 830.

[150] *Theol. mor.* l. 3, n. 571.

622. 3. Cooperation of innkeepers. a) **Toward drunkenness.** It is material cooperation indeed, but often illicit, if an innkeeper serves intoxicating drink to someone who is already drunk, or who in a short time will be drunk if he takes more drink. The reason is that intoxicating drink is a proximate cause of some sin against the natural law, and therefore loss of profit alone on account of such a quantity of wine not sold is an insufficient excusing cause. But if from drink denied great inconveniences would arise, e.g. great quarrels and disturbances in the inn, then in order to avoid a greater evil the innkeeper could licitly serve drink even with drunkenness foreseen.

b) **Toward the violation of abstinence.** As to forbidden foods, a milder practice can be permitted today, because the positive law of forbidden foods does not oblige with great inconvenience, and because in present times there exist, at least in some regions, many dispensations for those who eat in public taverns. Generally speaking, an innkeeper can serve meats to anyone asking, even on forbidden days, unless it is openly certain that scandal arises from this or that this is done in hatred of religion; but he ought suitably to warn or instruct guests that fasting foods are also available to them.

c) As to wicked gatherings which perhaps are held in his house, those principles seem to have to be employed which are established concerning the leasing of a house for prostitutes. If by such a leasing the sins and

seductions of those women become more numerous and therefore more harmful, it is not licit to lease houses to them; but if that would not happen, and if great damage would arise for the lessor from not leasing, he could lease his house to prostitutes. St. Alphonsus[151] writes to the point: "In cities in which, for the sake of avoiding a greater evil, it is permitted, it is licit to lease a house to a usurer and to prostitutes; especially if other tenants are lacking, unless however the prostitutes would gravely harm honest neighbors, or on account of the location would give greater occasion to sins." The Holy Doctor cites for this opinion several theologians, among whom are Sanchez, Suarez, Azor, and the Salmanticenses. Nevertheless in our times he would be condemned and would have ill repute among all upright persons who, while he could lease a house to persons of good name, leased it to prostitutes; whence in practice today all the conditions which render licit a leasing of this kind are present very rarely. - The same holds concerning openly evil gatherings, to which an innkeeper can almost never open his house; e.g. it would not be licit to grant some room to Freemasons. But if such gatherings are not evidently evil, or if only two suspect persons wish to rent a room (as, alas, frequently happens), then an excusing cause can more easily be present.

d) **Toward depraved readings.** Innkeepers cannot licitly set out to be read papers which evidently and ordinarily are opposed to religion or morals. Other papers, although not so good, they can indeed set out from a grave cause; let them take care, however, that good papers also are always available.

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[151] *Theol. mor.* l. 2, n. 70.

623. 4. Cooperation of merchants. a) It is never licit to sell things which by their very nature have no use except an evil use. Hence, e.g., it is not licit to sell those instruments which serve for the abuse of marriage; likewise it is not licit to sell obscene images. b) It is licit from a reasonable cause to sell other things, in themselves indifferent, which perhaps from the malice of the buyer are employed for an evil end; for this is only material cooperation. And this excusing cause ought to be the graver in proportion as the abuse of the thing sold is foreseen to be graver. Hence it is licit from a proportionate cause to sell poison, weapons, organs and a pulpit also for the temples of Protestants, etc. c) It is not licit in newspapers which are wholly bad, i.e. openly fighting against religion or good morals, to advertise one's things to be rented or sold; for this would be cooperation toward sustaining those worst papers. But if the newspapers are not so manifestly bad, it would be licit, there being a just and grave cause, to advertise things pertaining to commerce; whence Leo XIII established in the Constitution *Officiorum ac munerum*: "Let no one from Catholics, especially from ecclesiastical men, publish anything in newspapers, or papers, or periodical booklets of this kind, unless a just and reasonable cause urges it." Likewise it is not licit, except from a reasonable cause, to sell or buy those newspapers, especially habitually by the so-called subscription. But one must always guard against both one's own perversion and the scandal of others. Those newspapers and periodicals are accustomed to pay a great salary to those who write well for them. Nevertheless, for the sake of profit alone, a Catholic seems unable to write in them. For the Code of Canon Law establishes, c. 1386, § 2: "In newspapers, papers, or periodical booklets which are accustomed to attack the Catholic religion or good morals, let Catholic laymen also write nothing unless a just and reasonable cause urges it, approved by the Ordinary of the place."

Scholion. There are still almost innumerable cases of cooperation. But all can be rightly solved if attention is given to the principles concerning the indirectly voluntary and if the circumstances of different places, times, and persons are kept before one's eyes. It is also to be noted that in present times not all the resolutions of the old theologians have force any longer, since times and circumstances have been much changed.[152]

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[152] Cf. Lehmkuhl, *Theol. mor.* I, n. 809-838.

Appendix on Spiritual Perfection and on the State of Perfection

624. 1. St. Paul admonishes: "Above all things have charity, which is the bond of perfection";[153] for charity is the form of all the virtues, orders them to the supernatural end, and gives to them their proper notion of meriting eternal life. On account of this reason also our spiritual perfection depends upon the habit of charity, and the more perfect the degree of charity in a man is, the greater is his spiritual perfection. Wherefore St. Augustine says fittingly: "Charity begun is justice begun, charity advanced is justice advanced, great charity is great justice, perfect charity is perfect justice."[154] According to St. Thomas, the perfection of charity in this earthly life is exercised by man in two ways, namely in the first way, "that he appoint his zeal to having leisure for God and divine things, other things being passed over, except so far as the necessity of the present life requires; and this is the perfection of charity which is possible in the way; nevertheless it is not common to all having charity. In another way so that someone habitually places his whole heart in God, namely in such a way that he thinks or wills nothing which is contrary to divine love; and this is the perfection common to all having charity."[155] Therefore according to St. Thomas there are two grades of charity: the first common to all having sanctifying grace; the second belongs only to those who pass over all worldly things, insofar as is possible, and with all their powers devote themselves to divine things.

2. Charity, as an infused virtue, cannot be increased from our acts except through an increase of sanctifying grace, which we merit by our acts. Nevertheless, by our acts we can also remove impediments of charity and thus increase it indirectly. This indeed happens in this way. Manifold disordered cupidity prevents man from adhering to God with all his powers. Hence man is bound by repeated acts gradually to restrain that cupidity, and the more disordered cupidity has been subdued, the greater is the perfection of charity. Hence St. Thomas[156] says: "Perfection is considered as to this, that those things are excluded which are repugnant to the movement of love into God, as Augustine says in the book 83 Questions, q. 36, that the poison of charity is cupidity, perfection is no cupidity." But the acts by which passions are mortified and virtues are exercised pertain to the perfection of charity, not because they constitute it formally, but because they are commanded by charity and eliminate all opposed impediments. Therefore it cannot be concluded absolutely that those saints who exercised greater mortifications had greater charity and sanctity.

3. Whoever has a permanent disposition of loving God above all things and of committing no mortal sin can rightly be said to be in the state of perfection, because every permanent and stable disposition can be called a state. Nevertheless, under the state of perfection theologians are accustomed to understand something else, namely a certain kind of life in which the three evangelical counsels and a certain Rule approved by the Supreme Pontiffs are observed. But first of all it must be noted that the state of perfection accepted in this sense is not the same as perfection itself; for someone living outside that state can be most perfect; and conversely someone living in the state of perfection can be most imperfect, indeed even dwell in the state of mortal sin. Nevertheless this state is deservedly called the state of perfection, because a) its members are bound by profession to tend toward perfection and because b) they ought to employ the best means for attaining this perfection. For the obstacles of charity are disordered cupidity 1. of one's own excellence, 2. of carnal delights, and 3. of material goods. Furthermore this threefold cupidity is most efficaciously mortified by the vows of obedience, chastity, and poverty; and these three vows are perfectly observed in the state of religion according to Rules approved by the Supreme Pontiffs. Hence also the history of all ages proves that the most splendid examples of sanctity have shone forth in religious orders.

[153] Col. 3, 14.

[154] *De nat. et grat.* c. 70 (Migne, *Patr. lat.* 44, 290).

[155] *S. theol.* 2, 2, q. 24, a. 8.

[156] *S. theol.* 2, 2, q. 184, a. 2.

Tract X. On the Virtue of Prudence and the Opposite Vices

Cf. St. Thomas, *Sum. theol.* 2, 2, q. 47-56; Commentators on the *Sum. theol.*, as e.g. Sylvius, John of St. Thomas, Billuart, etc.; Waffelaert, *De virtut. card.*, Bruges 1889; Janvier, O.P., *La prudence chretienne*, Lent 1917.

625. Praenotamen. With the Angelic Doctor as guide, after the treatise on the theological virtues, we shall treat of the moral or cardinal virtues, namely of prudence, justice, fortitude, temperance. But because above, n. 444, enough has already been said concerning the nature of the moral virtues in general, we immediately begin to treat of these virtues individually, and first indeed of the virtue of prudence.

We divide the whole treatise on prudence into four chapters: 1. on the notion of the virtue of prudence; 2. on its functions; 3. on the parts of prudence; 4. on the vices opposed to it.

Chapter I. On the Notion of the Virtue of Prudence

626. Notion. Prudence is enumerated among both the intellectual and the moral virtues. In either sense the definition given by Aristotle can be applied to it:[1] "Prudence is right reason concerning things to be done." - In all arts and actions in which counsel is needed on account of the uncertainty of those things by which one arrives at the end, prudence is required, at least as an intellectual virtue. Hence we speak of a prudent architect, who, after deliberation has been made, is accustomed to proceed rightly in building; of a prudent robber, who perpetrates his robberies with great cunning; and Christ calls the children of this age more prudent in their generation, because with great skill and sagacity they dispose their actions toward obtaining worldly ends. But this last prudence is called by St. Paul the prudence of the flesh, which is the death of the soul.

But if we speak of prudence according as it is a true moral virtue, then it is right reason, i.e. the ordering of human acts to the true ultimate end of human life, or it is the habit of choosing means to an end morally good. But all other human prudences which are opposed to this true prudence are in fact great follies. - Prudence is defined variously by various authors.[2] Thus St. Augustine,[3] Cicero going before him,[4] says: "Prudence is knowledge of things to be sought and to be fled." It is defined by others: an intellective virtue by which in any business occurring we know what is honorable, what is base. This last definition is more common and signifies the same thing as the Aristotelian definition brought forward above.

Subject. Prudence is subjected in reason, and indeed in practical reason,[5] for it is practical knowledge. Moreover the acts of prudence, or its functions, namely to take counsel, to judge, to command, are acts of reason. But the nature of prudence does not consist in the practical judgment alone, but also in the practical and efficacious motion of the powers to acts. For no one would call him prudent who indeed knows what must rightly be done, but by no means acts rightly; indeed such a man is most of all foolish. From this it follows that prudence, if it is perfect, supposes rectitude of appetite, or the assistance of the other moral virtues. In other words: since the moral virtues are connected, the virtue of prudence requires that the other moral virtues be present together with it. But conversely the other moral virtues also depend upon prudence, because no moral virtue can exist without the mean of reason, as was said above n. 463; furthermore that mean of reason in any virtue is established by prudence.

Division. The virtue of prudence is either acquired or infused. According as it is an acquired virtue, the definition given above belongs to it. But according as it is an infused virtue, it can be defined: a virtue supernaturally infused by which the practical intellect, enlightened by formed faith and stirred by the Holy Spirit, judges and commands what in individual cases is to be done as fitting for the supernatural end, or to be avoided as unfitting for that end. Those things are to be recalled which were said above n. 473 concerning infused moral virtues in general, namely concerning their relation to grace, concerning their dependence upon charity.

Supernatural prudence differs much from the natural virtue of prudence; and indeed a) by reason of the efficient cause, namely because natural prudence is acquired by repeated acts of ours, but supernatural prudence is infused into us by God with sanctifying grace; b) by reason of extension and of the motive principle. For natural prudence presupposes only the understanding of the first moral principles, which are known as if naturally, and in addition a right appetite of natural good. But infused prudence especially supposes faith, and this informed by charity. Hence St. Thomas[6] says: "For the right reason of prudence it is much more required that a man be well disposed concerning the ultimate end, which is done by charity, than concerning other ends, which is done by the moral virtues." The supernatural virtue of prudence moreover extends itself to directing acts about the ultimate end of human life, while the natural virtue of prudence often reaches only acts about a subordinate end. Hence St. Thomas[7] says: "Prudence is true and perfect which rightly takes counsel, judges, and commands for the good end of the whole life; and this alone is called prudence simply, which cannot be in sinners." On account of these reasons infused prudence depends intimately both upon faith and upon charity. For faith shows prudence the true ultimate end of human life, namely eternal beatitude; charity, however, efficaciously tends into God and orders the whole man to God; finally prudence, the light of faith shining before it and charity moving it, finds and commands the most suitable means for obtaining that end.

That supernatural prudence may be able to fulfill its most noble office more perfectly, there is joined to it the gift of counsel, which renders a man well docile by the Holy Spirit, who by means of this gift suggests to us the best means for obtaining the ultimate end, i.e. beatitude.[8]

Concerning the other divisions of prudence there will be speech below, n. 632, where its subjective parts will be discussed.

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[1] *Ethic.* l. 6, c. 5, n. 4.

[2] You may see several definitions of prudence in William Peraldus, *Summ. virtut. et vitior., de prud.* c. 2.

[3] *Lib. 83 quaest.* q. 61.

[4] *De offic.* III, 47.

[5] *S. theol.* 2, 2, q. 47, a. 2.

[6] *S. theol.* 1, 2, q. 65, a. 2.

[7] Ib. 2, 2, q. 47, a. 13.

[8] Ib. q. 52, a. 2.

627. Material object of prudence is all the moral actions of man ("things to be done," says Aristotle), but not physical actions, since art is concerned with these ("things to be made," says Aristotle).

The formal object by which of prudence is the human act under the aspect of practical truth and good. Concerning this matter Billuart[9] rightly writes: "Note that speculative truth is one thing, practical truth

another. Speculative truth is considered by conformity of the intellect to the thing, namely that the intellect conceive and enunciate the thing as it is; practical truth by conformity to right appetite, namely that the intellect conceive and enunciate that which is conformed to right appetite. Therefore prudence first reaches its object under the aspect of practical truth, because, as has been said, its object is something to be done and conformed to right appetite, and therefore practically true; and under this aspect it is an intellectual virtue, beneath which the false does not lie. And because it does not know that honorable thing, or thing conformed to right appetite, in order to stand in the knowledge of it, but in order that through the other moral virtues it may operate that thing, which is good, therefore secondarily it regards its object under the aspect of good, and thus by reason of the matter and end it is a moral virtue, not indeed elicitive of morals, as the other virtues, justice, fortitude, and temperance, but directive of morals."

[9] *De prud.* diss. 1, a. 1.

628. Relation between prudence, Moral Theology, and conscience. From what has been said it is licit to conclude how prudence is related to the science of Moral Theology and to conscience. The science of Moral Theology is the objective rule according to which prudence must be formed, and there is given no true prudence which is deformed from that rule. But conscience, which is a judgment or dictate of right reason concerning the liceity of an act to be done or done, is an act of prudence. This act of prudence, or conscience dictating according to prudent estimation what is to be done here and now, is the proximate subjective rule of morality, beneath which the false cannot lie, because he who follows conscience can never sin, even if conscience is invincibly erroneous. - Thus, therefore, is the genesis of prudence and of its effects: prudence has as its highest principles the theological virtues, and especially formed faith; these principles indeed are scientifically explained and illustrated in the science of Moral and Dogmatic Theology; prudence deduces the conclusions of this science as to singular and contingent things;[10] finally conscience, as an act of prudence, judges and commands what in individual things is to be done or omitted.

[10] Cf. *S. theol.* 2, 2, q. 47, a. 6.

629. Dignity and excellence of the virtue of prudence appears from what has been said. Both Sacred Scripture and the holy Fathers extol it with great praises. "Blessed is the man who finds wisdom and who abounds in prudence."[11] "Wisdom is better than powers, and a prudent man than a strong man."[12] But Christ admonishes: "Be prudent therefore as serpents."[13] St. Ambrose[14] says: "The first source of duty is prudence. For what is so full of duty as to offer zeal and reverence to the author [God]? Yet this source is also derived into the other virtues; for neither can justice be without prudence, since to examine what is just and what unjust is a matter of no mediocre prudence.... Since indeed fortitude also ... is full of justice, and to know by what counsel it should defend and aid, and also to seize the opportunities of times and places, belongs to prudence and modesty; and temperance itself without prudence cannot know measure."

By reason also the dignity and necessity of prudence can easily be demonstrated; for without prudence no virtue can subsist. For every moral virtue ought to consist between two extremes, that is, it ought neither to exceed nor to fall short of right reason; furthermore the office of prudence is to contain all moral virtues in the right mean. Wherefore a man destitute of prudence is deservedly compared to a ship lacking a helmsman, which by the force of winds and waves is driven here and there, and at last must necessarily perish in certain shipwreck. Prudence, however, is deservedly called the moderator and charioteer of the virtues, the orderer of affections, the teacher of morals.[15] - But especially for the confessor prudence is exceedingly necessary; for the practical doubts which often occur in the confessional cannot be sufficiently solved by different moral

systems, but by Christian prudence, which in each case rightly indicates what is useful or harmful to the soul of the penitent.

[11] Prov. 3, 13-17: "Blessed is the man who finds wisdom and who abounds in prudence. Better is the acquisition of it than the trading of silver, and of first and purest gold are its fruits. It is more precious than all riches, and all things that are desired cannot be compared to it. Length of days is in its right hand, and in its left hand riches and glory. Its ways are beautiful ways, and all its paths are peaceful."

[12] Sap. 6, 1.

[13] Matth. 10, 16.

[14] *De offic.* l. 1, c. 27 (Migne, *Patr. lat.* 16, 66).

[15] William Peraldus writes ingeniously concerning the commendation of prudence, *Summa virtut. et vitior., de prud.* c. 4. Cf. Leo XIII in the Encyclical of Jan. 10, 1890.

Chapter II. On the Acts or Functions of Prudence

630. The acts or functions of prudence are enumerated by St. Thomas[16] as three: 1. to take counsel well, 2. to judge rightly, 3. to command or prescribe.

Explanation. Prudence first takes counsel and deliberates, or seeks the means and circumstances which are necessary that the work may be done honorably and virtuously. After this consultation and deliberation there follows judgment or conclusion, what, how, and with which circumstances something is to be done, e.g. that here and now one must abstain from a work, or that one must labor more strongly. Finally prudence commands the execution of the practical judgment through the other powers. The act of commanding is the principal and proper act of prudence.[17] These three acts, that they may be done well, must be exercised with solicitude and diligence, according as the condition of the person and of the business requires, because it belongs to prudence to employ all necessary means that the operation be done honorably and perfectly, which cannot be had without great diligence. Hence no one is called prudent unless in taking counsel, in judging, and in executing he has employed the diligence due according to the gravity of the business and of the person. But if he has employed that due diligence, although he erred speculatively, nevertheless he is called prudent and does not sin. That these three acts or functions of prudence may be exercised perfectly, there ought to be several other assisting habits, which are called by St. Thomas the integral and potential parts of prudence, concerning which there will be speech in the following chapter.

[16] *S. theol.* 2, 2, q. 47, a. 8.

[17] Ib.

Chapter III. On the Parts of Prudence

631. The parts of prudence, not otherwise than of any other cardinal virtue, are of three kinds, namely a) integral, b) subjective, c) potential.

a) Integral parts are so called, not because from them as from parts the habit is composed, as, e.g., a house is composed from walls; for virtues are one habit and not something composed from several parts. But they are called integral parts because virtues cannot exercise acts in every respect perfect without those parts. Therefore integral parts are certain prerequisites for the perfect act of virtue. For prudence such prerequisites are enumerated by St. Thomas[18] as eight, namely memory, understanding, docility, shrewdness, reason,

foresight, circumspection, and caution; the five former of these pertain to prudence according as it is cognitive, but the three remaining according as it is preceptive by applying knowledge to work.

1. Memory[19] (which here is not taken for the memorative power, but for the very recollection of past things) is very necessary for the perfect act of prudence, because it was deservedly said by the ancients: "Nothing new under the sun"; or, that which happened in past times in similar adjuncts of things will happen also now, if the circumstances are the same or similar. Hence from past experience we can with sufficient probability judge concerning present acts to be done, and for this reason it is certain that a good and vivid memory of past events is the best assistance of prudence. Hence also it is clear that those who have many experiences are generally more prudent than those who have not had such long experience. - Oblivion is opposed to memory. But since oblivion regards knowledge alone, while prudence consists not in knowledge alone but also in right appetite, oblivion can indeed impede prudence in some way, but not totally take it away.[20]
2. Understanding or intelligence likewise is not taken here for the intellective power, but both for knowledge of present things and for right estimation of some end, or of a particular moral principle.[21] That understanding accepted in this sense greatly concurs toward the act of prudence is self-evident; for, that someone may prudently dispose his actions, it is required that he have the present state of the matter well viewed, that he rightly know that moral principle which must be applied to the practical conclusion here and now.
3. Docility is an affection and promptitude for learning. That docility is necessary for perfect prudence is clear from this, that prudence is concerned with particular operable things, in which there are almost infinite diversities, which cannot be known and considered by one man. Hence man needs to be instructed by others. But contempt for hearing others, living or deceased, is a cause of imprudence. This will and promptitude for learning is docility.
4. Shrewdness or sagacity (*eustochia*) is a prompt conjecture concerning means congruent for obtaining some intended end, or shrewdness is a certain perspicacity of swiftly apprehending the means, which happens from natural aptitude and also from exercise.[22] That this shrewdness helps very greatly for exercising prudence is self-evident. Shrewdness is indeed often a natural gift and not granted to all in the same degree; nevertheless it can also be acquired in some way by diligent exercise.
5. Reason, i.e. promptitude for reasoning or for collecting one thing from another, likewise is necessary for prudence, since often there is need of long reasoning before one arrives at a prudent practical judgment.
6. Foresight is taken here in a twofold sense, namely either for the ordering of means to an end,[23] or for the consideration of future events which can follow from a work.[24] Concerning foresight St. Thomas says: "For it is the principal part of prudence, to which the other two parts are ordered; namely memory of past things and understanding of present things, according as from past things remembered and present things understood we conjecture concerning future things to be provided for."[25]
7. Circumspection[26] is attentive consideration of circumstances; for it happens that something considered according to itself is good and suitable to the end; nevertheless from some circumstances it is rendered evil and unsuitable for attaining the end. Hence it is clear that circumspection is necessary for prudence.

8. Caution[27] is the care of avoiding all evils and impediments by which from without the work of virtue could be vitiated or impeded, e.g. lest damage be incurred, lest neighbor be offended.[28]

[18] *S. theol.* 2, 2, q. 48, a. unic.

[19] *Erinnerung, souvenir.*

[20] *S. theol.* l. c. q. 47, a. 16.

[21] A clear survey of the state of the matter and sound moral judgment. *S. theol.* l. c. q. 49, a. 2 ad 1, and a. 5 ad 3.

[22] Resourcefulness, swift insight into the causes of an appearance, presence of mind; *presence d'esprit*, sagacity. Cf. *S. theol.* l. c. q. 49, a. 4.

[23] Plan of execution.

[24] Foreseeing the consequences of an act; *prevoyance.*

[25] *S. theol.* 1, q. 22, a. 1.

[26] Circumspection.

[27] Caution; precaution.

[28] Concerning the accurate difference between foresight, circumspection, and caution, see Cajetan in 2, 2, q. 49, a. 8.

632. b) Subjective parts of some cardinal virtue are the species into which it is divided. Besides natural and supernatural prudence, concerning which there was speech above n. 626, prudence is divided into personal prudence, by which someone governs himself, and governing or regnative prudence, through which someone governs a multitude.

Governing prudence[29] was divided by the ancients into various species, according to the different species of multitude. Now there is a certain multitude united for some special business, as an army is gathered together for fighting. - Ruling prudence over an army is called military prudence. Prudence by which a family is governed is called economic prudence. Prudence by which some kingdom is governed is called regnative or legislative prudence. In subjects there corresponds to the governing prudence of the superior political prudence, through which they direct themselves in obeying rulers for the common good.[30] - Personal prudence is a species really distinct from political and governing prudence, because it has a different end, namely personal rectitude, while governing and political prudence besides this intends and directly procures the rectitude of the community. Certainly there are many holy men who, although perfect in every virtue, nevertheless do not have governing prudence so perfectly. Hence St. Celestine abdicated the Supreme Pontificate, because he felt himself unequal to directing the Church in those most difficult times. Nevertheless he who has great sanctity can deservedly be called very prudent, because he directs all his acts in a perfect manner to the true end and to true beatitude. Therefore the Blessed Virgin, who was most holy, is called the most prudent virgin.

[29] Talent for governing.

[30] *S. theol.* 2, 2, q. 50, a. 2.

633. c) Potential parts of prudence are called the joined virtues which are ordered to some secondary acts or secondary matters, and are three, namely eubulia, synesis, gnome.

1. Eubulia is the habit of taking counsel rightly.[31] As was said above, to take counsel well or to deliberate well is an act of prudence, but this must be understood in such a way that prudence exercises this act

not immediately through itself, but by means of the virtue of eubulia; or in other words: "it pertains to prudence to take counsel well imperatively, but to eubulia elicitively."[32]

2. Synesis is a virtue judging well concerning operable things according to common rules, i.e. according to natural and positive law.[33]

3. Gnome[34] is a judging virtue according to higher principles in those things in which sometimes one must recede from the common law, but not from the mind of the legislator. Therefore gnome produces the act of epikeia in the observance of law.

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[31] Capacity for considering well and taking counsel.

[32] *S. theol.* 2, 2, q. 51, a. 2 ad 1.

[33] Capacity for judging rightly, according to the law, concerning actions to be performed; the faculty of judging well according to the law.

[34] Capacity, in extraordinary occurrences, to judge rightly not according to the wording but according to the sense of the law; the faculty of judging well against the letter of the law in an extraordinary case.

Chapter IV. On the Vices Opposed to Prudence

Praenotamen. Since sin is against conscience, it is also against prudence, because conscience is an act of prudence, as has been said. Hence every sin can deservedly be called folly or imprudence. But nevertheless from this it is not yet licit to conclude that every sin proceeds from imprudence, since several sins proceed from disordered passion, or even from malice. But if now we speak of sins against prudence, we understand those which are directly opposed to the three acts of prudence, namely rightly to deliberate, to judge, and to command. Such vices, however, are opposed to prudence either by defect or by excess.

a) By defect there is opposed to prudence imprudence, which has four species:

634. 1. Precipitation, which, sufficient inquiry and consideration having been neglected, acts too quickly, or which acts before it has considered. Precipitation is opposed to eubulia and makes little of that admonition: "One must deliberate slowly." As the Angelic Doctor rightly notes,[35] precipitation in acts of the soul is said metaphorically according to the likeness of bodily precipitation. But bodily someone is precipitated who descends from a high place to a lower one from impulse without right order and often with great danger or bodily damage, e.g. he who is cast down from a high mountain. If someone descends to an external work without sufficient consideration of past, present, and future events, then he proceeds too quickly, which is sinful precipitation. When precipitation arises from contempt of the directing rule, it is called temerity.[36]

2. Inconsideration, which always follows from precipitation, but which can also be present without previous precipitation, namely when someone brings judgment concerning some action to be done or omitted without sufficient consideration of all circumstances.[37] St. Thomas says: "Defect of right judgment pertains to the vice of inconsideration, according as someone ... contemns or neglects to attend to those things from which right judgment proceeds."[38] Therefore inconsideration is opposed to synesis and gnome.

3. Inconstancy,[39] which imports a certain departure from a defined good purpose.[40] This inconstancy is accustomed to arise from the appetitive power, but is consummated in reason. As precipitation is from defect concerning the act of counsel, and inconsideration from defect concerning the act of judgment,

so inconstancy is concerned with the act of command. - These three vices often arise from lust, because perfect prudence consists in abstraction from sensible things; but venereal delight absorbs the whole soul and draws it to sensible delight; therefore it especially corrupts the estimation of prudence.[41] Hence Aristotle[42] says: "Venus steals the understanding of one very wise." A sad example of this matter is King Solomon.

4. Negligence, which can be taken in two ways: a) generally for the omission of any due act, and thus it is not opposed to prudence, but to the virtue in whose matter it is concerned, e.g. negligence in restoring is opposed to justice; b) for the defect of required solicitude in the interior act of the intellect for stirring and directing the will in the execution of a good proposed work. Negligence accepted in this second sense is a special sin and is opposed to prudence, but is distinguished from omission, slothfulness, torpor, and inconstancy. For negligence consists in defect of the interior act of reason not commanding what it ought, or in the way in which it ought. But omission pertains to external action. Slothfulness and torpor pertain to execution, yet in such a way that slothfulness imports tardiness for executing, but torpor a certain slackness in the very execution. Finally the inconstant man fails in commanding as if impeded by something, but the negligent man through defect of his own will.[43]

These four sins are venial from their kind; nevertheless they can become mortal on account of circumstances, e.g. of scandal, or of exposing oneself to the danger of grave sin.

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[35] *S. theol.* 1, 2, q. 53, a. 3.

[36] Precipitation = acting with undue haste; temerity = rashness. This sense of temerity is to be attended to in some excommunications which are brought against those rashly violating some law.

[37] Thoughtlessness, heedlessness.

[38] *S. theol.* 2, 2, q. 53, a. 4.

[39] Inconstancy, fickleness.

[40] Cf. *S. theol.* 2, 2, q. 53, a. 5.

[41] Cf. ib. a. 6.

[42] *Ethic.* 7, c. 6, n. 3.

[43] Cf. *S. theol.* 2, 2, q. 54, a. 2 ad 1-3; Billuart, *De prud.* diss. 3, a. 1.

635. b) By excess three vices especially are opposed to prudence:[44]

1. Prudence of the flesh, which devises suitable means for living according to the flesh or according to corrupt human nature, or even which has the goods of the flesh as the ultimate end of life. Concerning this prudence of the flesh St. Paul says: "For the prudence of the flesh is death; but the prudence of the spirit is life and peace. Since the wisdom of the flesh is an enemy of God; for it is not subject to the law of God, nor can it be. But those who are in the flesh cannot please God."[45]

2. Craftiness,[46] deceit, and fraud.[47] Craftiness properly so called is not necessarily concerned with an evil end in itself; nevertheless it sins because it devises depraved means for obtaining the intended end (whether good or evil); it is opposed to Christian simplicity and is often nothing else than a practical and pernicious lie. The crafty man is accustomed to be feared as well as despised. The words of Psalm 3 can be applied to him: "Their throat is an open sepulchre; with their tongues they acted deceitfully; the

poison of asps is under their lips." Deceit and fraud are the execution of craftiness; deceit universally, whether by deeds or by words, but fraud is done principally by deeds.

3. Excessive solicitude concerning temporal and future things. Solicitude imports a certain zeal for obtaining or preserving something; but it can be illicit in a threefold way concerning temporal and future things: a) if temporal things are sought as an end, by preferring them to spiritual things; b) if excessive zeal is employed for acquiring or preserving them; c) if there is present excessive fear and anxiety lest, by doing what must be done, necessary things fail us. Therefore not all solicitude for temporal things is illicit, but only immoderate solicitude.[48]

The Angelic Doctor shrewdly notes,[49] just as vices against prudence by defect commonly arise from lust, so vices against prudence by excess often take their origin from avarice.

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[44] The Angelic Doctor (*S. theol.* 2, 2, q. 53, prolog.) teaches that these vices have a certain false likeness with prudence and that they happen through abuse of those things which are required for prudence.

[45] Rom. 8, 6-8.

[46] Cunning.

[47] Deception; cf. *S. theol.* 2, 2, q. 55, a. 3, 4, 5.

[48] Cf. *S. theol.* 2, 2, q. 55, a. 6.

[49] Ib. a. 8.

636. Scholion. On the means suited for acquiring prudence. Since prudence is so worthy and excellent a virtue, and so necessary equally for personal spiritual life and for the spiritual direction of others, it is worth the labor to desire it from the whole heart and acquire it by intense labor. But the efficacious means for acquiring prudence are 1. fervent prayer to God, the Father of every light, 2. restraint of disordered passions, and especially of lust. Solomon, most wise, on account of lust fell into most foolish idolatry. 3. Consideration of all events under the aspect of eternity. For if in all acts we have before our eyes that saying: What is this to eternity? we certainly exercise Christian prudence by choosing the more suitable means for attaining our supernatural end.

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